

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This cause came on for trial before the Court, sitting without a Jury, before the Hon., C. W. Morse, Judge, presiding, on the 6th day of June, 1916, at Provo City, Utah County, State of Utah, upon the complaints of the Plaintiff, and the answers, cross complaints and counter claims of the several Defendants.

A. C. Hatch; A. J. Evans; Jacob Evans; A. L. Booth; Thurman, Wedgwood & Irvine; and Wedgwood, Irvine & Thurman, appearing as counsel for the Plaintiff.

Jacob Coleman; E. E. Corfman; Mathonihah Thomas; J. B. Tucker; C. C. Richards; and Franklin S. Richards, appearing as counsel for the Defendant Provo City.

W. W. Ray; Grant C. Bagley; and Whitecotton & Dobbs for the Provo Bench Canal & Irrigation Company.

J. E. Booth for the Defendants;
The Lake Bottom Canal Company,
West Union Canal Company,
The East River Bottom Water Company,
Wildwood Resort Company,
Zion's Savings Bank & Trust Company.

E. E. Corfman for the Defendants;
The Little Dry Creek Irrigation Company,
Spring Dell Resort Company,
Fort Field Irrigation Company.

Young; Snow; Ashton & Young for the Defendants;
Utah-Idaho Sugar Company,
Zion's Savings Bank & Trust Company.

E. E. Corfman; J. W. Robinson; Grant C. Bagley;
and Harvey Cluff for the Defendant;
The Upper East Union Irrigation Company.

W. W. Ray; and Grant C. Bagley for the Defendant;
The Timpanogus Canal Company.

Harvey Cluff, for the Defendants;
Provo Pressed Brick Company,
South Fork Trout Company.

E. E. Corfman; and J. B. Tucker for the Defendants;
Knight Woolen Mills,
Provo Ice & Cold Storage Company,
First Ward Pasture Company,
E. J. Ward & Sons Company.

J. B. Tucker; and Jacob Coleman for the Defendant;
Sego Irrigation Company.

E. E. Corfman; and Jacob Coleman for the Defendant;
Snoot Investment Company.

Thurman, Wedgwood & Irvine,
and J. H. McDonald, for the Defendants;
Wasatch Irrigation Company,
Timpanogus Irrigation Company,
Extension Irrigation Company,
North Field Irrigation Company.

Morgan & Huffacker, and
Charles J. Wahlquist, for the Defendant;
Midway Irrigation Company.

Thurman, Wedgwood & Irvine; J. H. McDonald;
William S. Willis,
and W. W. Ray, for the Defendant;
Charleston Irrigation Company.

King & Nibley, for the Defendant;
Pioneer Irrigation Company.

Thurman, Wedgwood & Irvine;
J. H. McDonald, and
W. W. Ray, for the Defendants;
Sage Brush Irrigation Company,
Spring Creek Irrigation Company.

Charles J. Wahlquist, for the Defendants;
Sunrise Irrigation Company,
Midway Waterworks Company.

Mathonihah Thomas; and
O. P. Soule, for the Defendants;
South Mamas Irrigation Company,
Washington Irrigation Company.

William S. Willis; and
J. H. McDonald, for the Defendants;
Heber City,
Midway Town Corporation,
Town of Charleston.

E. E. Corfman; Story & Steigmeyer; R. A. Wilbar;
Pierce, Critchlow & Barrett; and
John T. MacLane, for the Defendant;
Utah Power & Light Company.

Thurman, Wedgwood & Irvine, for the Defendants;
A. L. Tanner,
Esthma Tanner.

E. A. Wedgwood, for the Defendant;
Caleb Tanner.

Parker & Robinson, for the Defendant;
John W. Hoover.

E. E. Corfman, for the Defendants;
Upton Hoover; W. E. Hoover;
Webster Hoover; Frank Hoover.

Harvey Cluff, for the Defendants;
Benjamin B. Richmond; Alice Rambaud;
Charles E. Giles; William Cluff;
Charles W. Thomas; S.S. Cluff Jr.,
Charles S. Conrad; J. A. Baum;
W. W. Ercanbrack; Elmer Baum;
James Amicome; A.M. Conrad;
Hyrum S. Winterton; Lafe Baum.

J. E. Booth, for the Defendants;

William D. Lewis,	R. W. Baum,
Ida Y. Littley,	Charles Madsen,
Edwin A. Madsen,	W. W. Ercanbrack,
Caroline K. Madsen,	Daniel D. McBride,
Lewis W. Nuttall,	Samuel Rieske,
Rudolph Riard,	Pauline Schemensky,
David S. Parks,	Stephen Jones,
F. T. Carter,	Amos Carter,
Permelia Young,	D. G. Carter,
J. E. Smith,	Owen A. Baum,
Joseph T. Carter,	Edith R. Buss,
Wilford Penrod,	William Gammon,
Abram L. Smith,	A. L. Penrod,
J. M. Buckner,	T. J. Smith,
W. F. Richins,	B. F. Alger,
Clara M. Stubbs,	J. C. Ivie,
Ann Carter,	Thomas Thornley,
John H. Carter,	Richard Carter,
D. N. Greer,	Leo Baum,
D. N. Penrod,	Lee E. Smith,
D. W. Baum,	A. L. Tanner,
E. L. Dodder,	J. W. Smith,
Lettie York,	Branch Young Estate,
Thomas J. Foote,	Hetty Y. Goodwin,
Hyrum Heiselt,	Albert Jacobson,
Louis Jacobson,	Sarah Williams,
Annie Glade,	Alma Jorgensen,
Andrew Knudson,	John D. Dixon,
R. G. Carter,	David Carter,
R. D. Young,	Lafayette Carter,
Verinus Carter,	Mary E. Downs,
J. M. Downs,	James I. Moldrum,
John E. Booth,	George James,
Morrill Holden,	Louis James,
Isaiah B. Lott,	Joseph Faucett,
Walter Lott,	Benjamin B. Richmond,
Ada J. Hickman,	Elmer Moldrum,
Reed J. Knudson,	Louis Marriott,
Lars Jacobson,	Isaac P. Nelson,
Benjamin H. Knudson,	William C. Williamson,
Eliza Carter Ashton, administratrix of the estate	
of Aaron Carter, deceased.	
Cora A. Shirts, administratrix of the estate of	
Benjamin Shirts, deceased.	

Allen T. Sanford, for the Defendants;

Branch Young,	Hetty Y. Goodwin,
Ida Young Littley,	Rudolph Riard,
Daniel D. McBride,	Louis W. Nuttall,
Davis S. Parks,	M. B. Cutler,

J. H. McDonald, and

Charles J. Wahlquist, for the Defendant;
Johanna C. J. Anderson.

J. H. McDonald, for the Defendants;

E. D. Partridge,	J. E. Smith,
Frederick J. Fulham,	Olive Smith,
Henry V. Smith Jr.,	Ashted Taylor,
George Taylor Jr.,	Isabell West,
Jane Williamson,	Andrew Forsythe,
N. H. Greer,	David Johnson,
J. Joseph Johnson,	Stephen Jones,
Charles H. Davies,	Mary E. Davis,
James M. Bonny,	Fred Davies,
D. W. Baum,	Maggie Pearl Brown,
Wilmer H. Brown,	Joseph M. Brown,
Louisa J. Brown,	Mary A. Brown,
James F. Clyde,	E. V. Vincent,
Evan Williams,	Hugh E. Syme,
A. F. Snyder,	

Morgan & Huffacker, for the Defendant;
Wilford Van Wagenon,

King & Nibley, for the Defendants;

Arthur P. Allen,
John H. Murdock,
T. W. Allen,

Samuel McAffee,
J. W. Allen.
Wilford D. Wright,

Chaso Hatch, for the Defendants;

Betsy Olson,
Thomas Lowery,
Nephi Huber,
Edwin Hatch,
Abram C. Hatch,
Jane H. Turner,
Joseph Hatch,
Ruth Hatch,

Anton Olson,
Samuel Lowery,
Joseph Huber,
Vernon Hatch,
Minnesota A. Dodds,
Lucy H. Farnsworth,
George Schear,
John M. Huber, administra-
tor of the estate of John Huber, deceased.

Jay H. Stockman, for the defendant;
Barbara E. Buttry.

Morgan & Huffacker, and

Charles J. Wahlquist, for the Defendants;

John U. Frobst,
Felix Martin,
Orson B. Matthews,
Andreas Barger,
John U. Duhler,
Frederick Forrer,
Polly Schear,
J. Brigham Wilson,
John Huber,
George A. Huntington,
Jacob Kummer,
Emily Cornack,
Nephi Huber,
Joseph Huber,
David A. Gibson,
James B. Hamilton,
Alice Schear,

Thomas Monks,
David McGimpsey,
Gottlieb Duhler,
William Bonner,
Henry T. Coleman,
Elizabeth Hamilton,
James Hamilton,
Robert Mercantile Company,
Harold Schear,
Edward Kummer,
Frederick Romund,
Stephen H. Smith,
William L. Van Wagoner,
Henry Watkins,
Henry Zanger,
George Schear,
Henry T. Coleman, adminis-
trator of the estate of Nathan C. Springer, deceased.
Mary Schroni, Joseph Schroni and Maria Mitchell,
Heirs of Christian Schroni, deceased.
Cordelia Wilson, George Wilson and James Wilson,
Heirs of George Wilson, deceased.
Rosina Kummer, Edward Kummer, Elizabeth Hamilton and
Salina Forman, heirs of John Kummer, deceased.

J. H. McDonald, for the Defendants;

Joseph Morris,
John A. Johnston,
Mary Davis,
Levi M. North,

George B. Jordan,
Isaac R. Baum,
Phillip L. Ford,
Thomas Winterton.

Stewart, Stewart, and
Alexander, for the Defendants;

Harold C. Best,
Stewart Ranch Company.

Charles H. Rampton,

Henry Shields, for the Defendants;

John E. Berg,

Julia M. Davis,

Charles J. Wallquist for the defendants;

James A. Hamilton,	William Hamilton,
Jennie Hamilton Summers,	Jack Bates,
Ella Hamilton Snyder,	Mary Hamilton Chambers,
Maggie Hamilton Campbell,	J.C. Whiting,
Anna Lunceford,	Theodore Hamilton,
David Hamilton,	Levica Hamilton Snyder,
	Neils J. Johnson.

Mathoniah Thomas and

Smith & McBroom for the defendant

L.L. Donnon.

Thomas & Soule for the defendants:

S.A. Peterson,	Mary Ann Moon White,
Fred A. Peterso,	Mary B. Pace,
Hyrum Moon,	Heber Moon.
William Moon,	Hattie J. Prescott Page,
Nephi Moon,	Martha E. McNeil,
Christy Bisel,	R.W. Barnes,
Henry Bisel,	Riley Fitzgerald,
John D.F. Bradshaw,	Abram Gines,
Charles L. Gines,	Samuel Gines Jr.,
Ellen Gines,	Samuel Gines Sr.,
James Duncan,	George R. Hardman,
Ernest H. Horton,	William Lewis,
James Leffler,	Marshall Leffler,
John Swift,	William L. Prescott,
Ernest J. Prescott,	Julia Potts,
Benjamin Turnbow,	Frank Turnbow,
Mary A. White,	Milton O. Turnbow,
Ola W. Larsen,	William Lemon,
James A. Knight,	Ether Webb,
Rasmus Larsen,	John Leffler,
James Prescott,	Abram Leffler Jr.,
Abram Leffler, sue as Abe Leffler,	
George O. Ellis,	Henry Fraughton,
Christeen Fraughton administratrix of the estate	
of Henry Fraughton, deceased,	
Minns Lark, administrator of the estate of	
William Lark, deceased,	
Mary A. White, administratrix of the estate of	
Thomas White, deceased.	

William S. Willis, for the defendants:

Eustatia Averett,	Alfred L. Alder,
Ulric Abegglen,	John D. Averett,
Addison Averett,	William T. Averett,
John H. Averett,	Joseph F. Abegglen,
E.R. Bronson,	E.L. Brown,
George R. Carlile,	James Casper,
J.M. Casper,	William N. Casper,
William Daybell,	P.W. Edwards,
John O. Edwards,	George H. Edwards,
Ermina O. Cummings,	Joseph Hatch,
Lavina E. Murdock,	Edna A. Murdock,
Leona A. Bonner,	John B. Fowers,
William Bonner,	Chris Mitchell,
Joseph R. Murdock,	Phillip L. Ford,
George Nelson,	Jesse Nelson,
John Kummer,	Jesse Nelson Jr.,
J.E. Peterson,	Thomas Winterton.
Emma Kummer Bond.	

James Pyper,	John M. Ritchie,
John W. Stubbs,	Elisha Webster,
Harry F. Watson,	William Winterton,
Mrs. E. L. Hanks,	T. Fred Winterton,
Hyrum S. Winterton,	Moroni Winterton,
W. D. Wright,	Ellen C. Wright,
Joseph S. Wright,	William H. Winterton,
William L. Van Wagoner,	John H. Murdock,
John Van Wagoner, Jr.,	Emma Wheritt,
Felix Martin,	John U. Buhler,
Frederick Remund,	James T. Alder,
W. W. Alder,	George Daybell,
George W. Daybell,	Fred Daybell,
Robert Daybell,	John Murri,
Alonzo A. Hicken,	

John B. Fowers and Elizabeth Fowers, as executors of the last will and testament of John Fowers, deceased.
 Joseph E. Hanks, administrator of the estate of Mrs. E. L. Hanks, deceased.
 Dermont Huffacker, administrator of the estate of D. S. Huffacker, deceased.
 Emma Kummer Bond, administratrix of the estate of John Kummer, deceased.
 Anna Elizabeth Abegglen, as successor to Ulric Abegglen.
 Hyrum Winterton, Earl Stringfellow.

That the Defendants;

J. R. Allen, John Burrows, Fleming Barrows, Peter Boyce, Sam E. Bunnell, Robert Birkin, John W. Carlile, Bishop Corbet, Arthur Clyde, Mary A. Cook, George A. Clark, Samuel Carter, Robert Cordner, Arthur C. Candland, John W. Clark, LeRoy Dixon, Owen Ellis, Mary Ann Emmens, John H. Emmens, W. W. Ferguson, Emily E. Forsythe, Elizabeth A. Farrer, Henry W. Goddard, Edwin S. Hinckley, Lucian N. Hinckley, Orson Hicken, William Johnston, Mark Jeffs, Jane McD. Johnston, Annie Jones, Frederick Kummer, Mathias Knudsen, Millie Leffler, Neils Larson, Richard Lambert, Leslie Murphy successor to George O. Ellis, Parley W. Madson, George A. Madson, Wilhelmina Madson, James F. McClellan, sued as James C. McClellan, Mrs. Julia Padfield and Sons, Emily Prescott, Ames Prescott, Mrs. Frances Page, Daniel Peay, George T. Peay Sr., Major Pierce, C. A. Springer, T. DeVera Smith, as administrator of the estate of Phillip L. Smith, deceased; John Sweifel, George Sizomero, William Sizomero, Vincent Shoppard, William Sheppard, Adolphus Sessions, Joseph V. Smith, Henry V. Smith, N. O. Spaulding, John R. Stubbs, Charles Thacker, James Ure,

Edward V. Vincent, administrator of the estate of Charles Vincent, deceased; D. L. Vincent, Richard Wellington, James L. Wright, William A. York, Levi York, H. E. Young, who after being duly served with summons failed to plead herein and whose default for not answering has been duly entered.

That the Defendants;

Arthur N. Taylor, John H. Gordon Jr., James R. Hooks, Lincoln School District, who after being duly served with summons, have not appeared, or established, or attempted to establish any right, interest or claim in or to any of the waters of the Provo River System.

The Court heard the testimony of the respective parties and the arguments of counsel thereon, and being now fully advised in the premises, finds the following facts:

-1-

That all of the parties named in the complaint in said cause, as corporations, both of plaintiff and defendants excepting the Utah Power & Light Company, are corporations organized and existing and doing business under the laws of the State of Utah.

That the defendant Utah Power & Light Company is a corporation duly created and existing under the laws of the State of Maine.

That all of the parties herein named as individuals are residents of the State of Utah.

-2-

That the plaintiff is a corporation duly organized and existing under and in pursuance of the laws of the State of Utah, and that the objects and purposes of said corporation are, in part, to acquire by appropriation, development, lease, purchase, or otherwise, water, water rights and interests in water and water rights for irrigation, culinary, domestic and other necessary and beneficial purposes and to acquire by lease, purchase, construction or otherwise, reservoirs, dams, head-gates, canals, ditches, flumes, pipe lines, and such other means as may be determined upon for the

storage, conservation, conveyance, control and distribution and use of any and all water interests therein which may be acquired, and the rights to the use of water, by the plaintiff, and

To acquire such sites, franchises and easements as may be necessary or desirable for the construction and maintenance of reservoirs, canals, ditches, flumes, pipe lines and other means of conveying and storing all waters as may from time to time be acquired, owned or controlled by the plaintiff, and to acquire by purchase and otherwise and to own, improve, cultivate and deal in, real estate, and ^{to} sell, lease and dispose of its property, easements, franchises, and rights in such manner as its Board of Directors ^e may determine, and to make and enforce such rules and regulations for the pursuance thereof as its Board of Directors may from time to time determine.

-3-

That the defendant Provo City, is a municipal corporation of the State of Utah, and said City by and with the consent of the inhabitants thereof, and by virtue of its charter power and the Statutes of the State of Utah, and ordinances of the said City, owns, controls, distributes and regulates the waters of Provo River to which its inhabitants and parties adjacent to said city that derive water from conduits flowing within and through the corporate limits of said city are entitled.

-4-

That the defendant, Lincoln School District, is a regularly organized school district of Utah County, State of Utah.

-5-

That the defendant, the Utah Power & Light Company is a corporation duly created and existing under the laws of the State of Maine and by its charter and by full compliance with the laws of the State of Utah, is authorized and empowered to engage in the business of generating, using, and selling of electrical power;

to construct and acquire by purchase lease and otherwise, reservoirs, dams, canals, ditches, flumes, pipe lines and such other works, plants, equipments, appliances and appurtenances as may be necessary, useful or appropriate for empounding, storing, conveying, distributing, and utilizing water for power, irrigation, fire, sanitary, domestic, manufacturing, and other uses, and to use, apply, sell, and otherwise dispose of water for such uses in the State of Utah and elsewhere.

And that said defendant, Utah Power & Light Company is the successor in interest to the rights of the Telluride Power Company, and the Telluride Power & Transmission Company.

-6-

That the defendants, Provo Bench Canal & Irrigation Company, The Lake Bottom Canal Company, The Little Dry Creek Irrigation Company, The Upper East Union Irrigation Company, The Timpanogus Canal Company, The West Union Canal Company, The East River Bottom Water Company, Spring Dell Resort Company, Wildwood Resort Company, Sego Irrigation Company, First Ward Pasture Company, Wasatch Irrigation Company, Timpanogus Irrigation Company, Extension Irrigation Company, North Field Irrigation Company, Midway Irrigation Company, Charleston Irrigation Company, Pioneer Irrigation Company, Sage Brush Irrigation Company, Spring Creek Irrigation Company, Stewart Ranch Company, Sunrise Irrigation Company, South Kamas Irrigation Company, and Washington Irrigation Company, are corporations of the State of Utah engaged in the business of managing, regulating, controlling, and distributing portions of the water of the Provo River System to and among their respective stock-holders and other defendants named in said complaint.

-7-

That the defendant, Provo Pressed Brick Company, a corporation, is the owner of certain real property in Utah County, Utah, that it uses for agricultural purposes, and it is also the owner of a manufacturing plant engaged in the manufacture of brick, drain tile, and other building materials.

-8-

-8-

That the defendant, Utah-Idaho Sugar Company, a corporation, is the owner of certain real property in Utah County, Utah, that it uses for agricultural purposes, and it is also the owner of a manufacturing plant that requires water for the operation thereof.

-9-

That the defendant, Zion's Savings Bank & Trust Company, a corporation, is the owner of certain real property in Utah County, Utah, that is used for agricultural purposes.

-10-

That the defendant, South Fork Trout Company, a corporation, is the successor in interest to George J. Duke, is the owner of certain real property in Utah County, Utah, that is used for agricultural purposes and it is also engaged in the diversion and use of water for the purposes of fish culture.

-11-

That the defendants, Knight Woolen Mills, Provo Ice & Cold Storage Company, Smoot Investment Company, E. J. Ward & Sons Company, corporations, and Upton Hoover, W. E. Hoover, Webster Hoover, and Frank Hoover as partners doing business under the name of Excelsior Roller Mills, are engaged in the operation of manufacturing plants ^{situate} upon the Factory Race a distributing channel of Provo City, and use water for the generation of power under license and grant from Provo City.

-12-

That the defendant, The Midway Waterworks Company, is a corporation of the State of Utah, engaged in supplying the inhabitants of the Town of Midway and those residing adjacent thereto, with water for domestic purposes, and for such other purposes to which water may be properly and beneficially applied, and is the owner of a pipe line and Waterworks System extending from a spring in Snake Creek Canyon to and over the Town of Midway and adjacent thereto.

-13-

That the defendants Heber City, Midway Town Corporation and Town of Charleston doing business under the firm name of Heber Light & Power Plant, a voluntary association, is engaged in the business of generating, using, and selling electrical power.

-14-

That the defendant, L. L. Donnon is the owner of certain lands in Provo Canyon, and uses water for fish culture, irrigation and domestic purposes.

That said L. L. Donnon by application to and upon the approval of the State Engineer of the State of Utah, diverts and uses water for the generation of power.

-15-

Amended
That Abram Hatch died at Heber City, Wasatch County, State of Utah, on the 2nd day of December, A. D. 1911, and that thereafter, Ruth Hatch and A. C. Hatch, were, by order of the Fourth District Court of the State of Utah in and for Wasatch County, duly appointed as executors of the last will and testament of Abram Hatch, deceased, and they ever since have been and now are the duly appointed, qualified and acting executors of the last will and testament of the said Abram Hatch, deceased, and that Joseph Hatch, A. C. Hatch, Jane H. Turner, Minnasota A. Dodds, Lucy H. Farnsworth, and Vermont Hatch Edwin D. Hatch, were duly substituted herein for said executors.

-16-

That letters of administration of the estate of Lars Jacobson, deceased intestate, were, by the District Court of the Fourth Judicial District in and for Utah County, State of Utah, issued to Lars Jacobson, and the said Lars Jacobson now is the duly appointed, qualified, and acting administrator of the estate of said Lars Jacobson, deceased, and that Lars Jacobson, Albert Jacobson, and Louis Jacobson are the successors in interest of the estate of Lars Jacobson, deceased.

That letters of administration of the estate of James R. Glade, deceased, intestate, were, by the District Court of the Fourth Judicial District in and for Utah County, State of Utah, issued to Earl J. Glade, and the said Earl J. Glade now is the duly appointed, qualified, and acting administrator of the estate of said James R. Glade, deceased, and that Annie Glade is the successor in interest of the estate of James R. Glade, deceased.

That letters of administration of the estate of Aaron Carter, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Utah County, State of Utah, issued to Eliza Carter Ashton, and the said Eliza Carter Ashton now is the duly appointed, qualified, and acting administratrix of the estate of the said Aaron Carter, deceased.

That letters of administration of the estate of Benjamin Shirts, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Utah County, State of Utah, issued to Cora A. Shirts, and the said Cora A. Shirts now is the duly appointed, qualified and acting administratrix of the estate of said Benjamin Shirts, deceased, and that Herbert D. Jobb was duly substituted, herein, for said administratrix.

That letters of administration of the estate of Charles Vincent deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Utah County, State of Utah, duly issued to Edward V. Vincent, and the said Edward V. Vincent now is the duly appointed, qualified, and acting administrator of the estate of Charles Vincent, deceased.

-21-

That letters of administration of the estate of Thomas White, deceased, intestate, were, by the District Court of the Third Judicial District, in and for Summit County, State of Utah, duly issued to Mary A. White, and the said Mary A. White now is the duly appointed, qualified, and acting administratrix of the estate of Thomas White, deceased.

-22-

That Mary Ann White as successor to Mary Ann Moon, and Mary Ann White is one and the same person, and her true name is now Mary Ann Moon White.

-23-

That letters of administration of the estate of William L. Lark, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Wasatch County, State of Utah, duly issued to Minns Lark, and the said Minns Lark now is the duly appointed, qualified, and acting administrator of the estate of William L. Lark, deceased.

-24-

That letters of administration with will annexed on the estate of John Fowers, deceased, were, by the Fourth District Court of the State of Utah, in and for Wasatch County, issued to John B. Fowers and Elizabeth Fowers, and that said John B. Fowers and Elizabeth Fowers are now the duly appointed, qualified and acting executors of the last will and testament of John Fowers, deceased, and that John W. Stubbs has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by the estate of John Fowers, deceased, and is now the owner and holder thereof and was duly substituted herein for said executors.

-25-

That letters of administration on the estate of Nathan T. Coleman, deceased, intestate, were, by the District Court of the Fourth Judicial District, in and for Wasatch County, State of Utah, duly issued to Henry T. Coleman, and the said Henry T. Coleman now is the

duly appointed, qualified, and acting administrator of the estate of said Nathan T. Coleman, deceased.

-26-

That letters of administration on the estate of Phillip L. Smith, deceased, were, by the District Court of the Fourth Judicial District, in and for Wasatch County, State of Utah, duly issued to T. De Vere Smith, and that said T. De Vere Smith now is the duly appointed, qualified, and acting administrator of the estate of said Phillip L. Smith, deceased.

-27-

That George H. Edwards has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by defendants George Daybell, George W. Daybell, Fred Daybell and Robert Daybell, doing business as George Daybell & Sons, and is now the owner and holder thereof and is substituted herein.

-28-

That Emma Kummer Bodd has since the commencement of this action been appointed administratrix of the estate of John Kummer, deceased, and now is the duly appointed, qualified and acting administratrix of said estate.

-29-

That James B. Wilson is now the duly appointed, qualified and acting administrator of the estate of Ulric Abegglen, the said Ulric Abegglen having died since the ~~beginning~~ bringing of this action. And that Anna Elizabeth Abegglen has succeeded to all rights, title and interest of all lands and water rights heretofore owned and claimed by Ulric Abegglen, and is now the owner and holder thereof and is substituted herein.

-30-

That Joseph E. Hanks is now the duly appointed, qualified and acting administrator of the estate of Mrs. E. L. Hanks, the said Mrs. E. L. Hanks having died since the bringing of this action.

And that Earl Stringfellow, John W. Stubbs, and George H. Edwards have succeeded to rights, title and interest of lands and water rights heretofore owned and claimed by Mrs. E. L. Hanks, and are now the owner and holders thereof and are substituted herein to the respective interests to which they have succeeded.

-31-

That James B. Hamilton, a defendant herein, died after the commencement of this action, and that thereafter James Hamilton Jr., was by order of the Fourth District Court of the State of Utah, in and for Wasatch County, duly appointed as the administrator of the estate of said James B. Hamilton, deceased, and that James A. Hamilton, William Hamilton, Ella Hamilton Snyder, Jennie Hamilton Summers, Lovica Hamilton Snyder, Mary Hamilton Chambers, Theodore Hamilton and David Hamilton were duly substituted for said administrator.

-32-

That Harold Scheer and Emily Cormack have succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by defendant Alice Scheer, and are now the owners and holders thereof and were duly substituted herein for said Alice Scheer.

-33-

That Anna Lunceford has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by Stephen H. Smith, deceased, and is now the owner and holder thereof and was duly substituted herein.

-34-

That Earl Stringfellow has succeeded to all the rights, title and interest of all lands and water rights heretofore owned and claimed by defendant John O. Edwards, and is now the owner and holder thereof and was duly substituted herein for said John O. Edwards.

-35-

That the defendants, Pauline Schemensky, Stephen Jones, F. T. Carter, Amos Carter, Permelia Young, D. G. Carter, J. B. Smith,

Owen A. Baum, Joseph T. Carter, Edith R. Buss, Wilford Penrod, William Gammon, Abram T. Smith, A. L. Penrod, J. M. Buckner, T. J. Smith, W. F. Richards, S. F. Alger, Clara M. Stuebs, J. C. Ivie, Ann Carter, Thomas Thomas, John F. Carter, L. W. Baum, Richard Carter, D. M. Green, Leo Baum, D. N. Penrod, Joe B. Smith, B. W. Baum, A. L. Tanner, Eliza Carter Ashton as administratrix of the estate of Aaron Carter, deceased; Clara A. Shirts as administratrix of the estate of Benjamin Shirts, deceased; E. L. Dodder, J.W. Smith and Lottie York, jointly as members of a voluntary association, not incorporated, under the name and style of the SMITH DITCH COMPANY, and also as individual tenants in common in the Smith Ditch and the right to the use of water therein, have voluntarily associated for the purpose of diverting waters of the Provo River to what is known as the Smith Ditch, and have assumed and used the name of the SMITH DITCH COMPANY, and are tenants in common in the diverting of said water in said ditch and in the right to the use of the water so diverted therein.

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That James L. Meldrum, John E. Booth, George James, Merrill Holden, Louis James, Isaiah B. Lott, Benjamin B. Richmond, Joseph Faucett, Walter Lott, Ada J. Hickman, and Elmer Meldrum, jointly as members of a voluntary association, not incorporated, under the name and style of FAUCETT FIELD DITCH COMPANY, and individually as tenants in common in the Faucett Field Ditch and in the right to the use of waters flowing therein, have voluntarily associated for the purpose of diverting water from the Provo River into the Faucett Field Ditch, and have assumed the name of FAUCETT FIELD DITCH COMPANY, and are tenants in common in the said ditch and in the right to the use of waters so diverted therein.

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That the plaintiff and all defendants claim an interest in the waters of the Provo River System, except:

J. R. Allen, John Burrows, Fleming Barrows, Peter Boyce,

Sam E. Bunnell, Robert Birkin, John W. Carlile, Bishop Corbet, Arthur Clyde, Mary A. Cook, George A. Clark, Samuel Carter, Robert Gordaner, Arthur C. Candland, John W. Clark, LeRoy Dixon, Owen Ellis, Mary Ann Emmons, John H. Emmons, W. W. Ferguson, Emily E. Forsythe, Elizabeth A. Farrer, Henry W. Goddard, Edwin S. Hinckley, Lucian N. Hinckley, Orson Hicken, William Johnston, Mark Jeffs, Jane McD. Johnston, Annie Jones, Frederick Kummer, Mathias Knudsen, Millie Jeffler, Neils Larsen, Richard Lambert, Leslie Murphy, successor to George O. Ellis, Parley W. Madsen, George A. Madsen, Wilhelmina ~~Madsen~~ Madsen, James F. McClellan, sued as James C. McClellan, Mrs. Julia Padfield and Sons, Emily Prescott, Amos Prescott, Mrs. Frances Page, Daniel Peay, George T. Peay Sr., Major Pierce, C. A. Springer, T. DeVera Smith, as administrator of the estate of Phillip I. Smith, deceased; John Sweifel, George Sizemore, William Sizemore, Vincent Sheppard, William Sheppard, Adolphus Sessions, Joseph V. Smith, Henry V. Smith, N. O. Spaulding, John R. Stubbs, Charles Thacker, James Ure, Edward V. Vincent, administrator of the estate of Charles Vincent, deceased; D. L. Vincent, Richard Wellington, James L. Wright, William A. York, Levi York, H. E. Young, Arthur N. Taylor, John H. Gordon Jr., James R. Hooks, Lincoln School District.

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That the subject matter of this litigation in this action is the right to the use of the Provo River, its tributaries, springs, seepage and percolating waters, and waters issuing from the Ontario Drain Tunnel and flowing to Provo River, and embraces all of the Provo River water shed in Utah County and Summit County, and Wasatch County excepting Round Valley Creek and the territory lying east of Heber in the vicinity of Daniels Creek, Center Creek and Lake Creek, in the State of Utah.

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That, Provo River is a tributary of the Utah Lake-Jordan River System. It has its rise in the summits of the Uinta Mountains,

in Summit and Wasatch Counties, State of Utah. The head of this river is seventy miles distant from its mouth on Utah Lake. In this distance the river passes through a succession of valley separated from each other by narrow canyons. These valleys contain large tracts of cultivated land. The soil is fertile, consisting principally of silt deposited by the river.

The river has its source in a number of small lakes, among which the more important are Washington Lake, Trial Lake, and Wall Lake. The river is augmented along its course by numerous tributaries, springs and seepage waters from the irrigated lands. From its source the river flows through narrow canyons in a southwesterly direction for twenty miles, then enters the Kamas Valley. In this distance there are ranches along at points where the canyon widens out. Through the Kamas Valley the river flows in a northwesterly direction for six miles and again enters a narrow canyon twelve miles long, from which it enters the northern extremity of the Provo Valley, through this valley the stream takes a southwesterly course through the center of the valley for twelve miles where it enters the Provo Canyon, which it follows for twelve miles emerging into the Utah Valley. From the mouth of Provo Canyon the river flows in a southwesterly direction and entering Utah Lake four miles west of Provo City.

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The Provo River is a natural stream of water flowing through mountainous country and irrigated valleys. It is dependent upon the precipitation, and its volume varies not only from year to year but from day to day. The diversion of large quantities of its waters to the irrigation of lands along its course and the return of a portion of such waters in the form of seepage and springs has produced a river of more uniform discharge volume, and for a number of years last past has maintained an average normal flow to the Utah Valley in the months of July, August and September, greatly in excess of the quantity flowing in this season in

amended
as proposed
by eff

Paragraph 43:

The language in paragraph 43 is stricken but the number of said paragraph is retained for the purpose of maintaining uniformity in other paragraphs of the Findings and Decree which are referred to in cross references therein.

the period preceding the development along its upper stretches. This average normal flow for a number of years last past is in excess of the quantities found in the former adjudications of this stream by this court as the extent of the rights of the appropriators then on the stream.

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That all of the lands irrigated by plaintiff and defendants are barren and unproductive of agricultural crops without artificial irrigation, but when said lands are irrigated they produce abundantly agricultural crops and are of great value.

That portions of said river in its transit to the canals of the plaintiff and defendants is used for the generation of power of value for useful and beneficial purposes.

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That the water used upon the lands of plaintiff and defendants for irrigation; the water used by the defendants for the generation of power, and the water used ^{by} ~~for~~ the defendants for municipal and domestic purposes; has been used for a beneficial purpose and is necessary, and that the said use has been necessary and beneficial from year to year ever since the same was first diverted and appropriated.

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That the plaintiff and the defendants have used and appropriated all of the waters of said Provo River System, except in the extraordinary high water seasons of the year.

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That the plaintiff each and every year since the year 1909, has been diverting portions of the water of said river to which they were entitled, a part at a point on said river seven miles north of Provo City, Utah County, Utah, by means of a dam constructed in said river known as the Heiselt dam and the canal leading therefrom known as the Provo Reservoir Canal, and are diverted and conveyed through the canal of the Provo Bench Canal & Irrigation Company which heads near the mouth of Provo Canyon diverting waters from the said river and the tail race of the Olmsted Plant of the Utah Power & Light Company.

Paragraph 46:

That the plaintiff and the defendants, Sego Irrigation Company, Wasatch Irrigation Company, Timpanogas Irrigation Company and Washington Irrigation Company by application to and upon the approval of the State Engineer of the State of Utah, have entered upon and constructed storage reservoirs near the head waters of said river, and have the right to store quantities of water in the high or flood water season that are in excess of the quantities herein awarded; said reservoirs are also entitled to store all the waters that can be stored in them between September 15th and April 15th of each and every year, and during the low water period of each year release the same and comingle it with the waters of Provo River and recapture and use said stored water to a necessary and beneficial purpose.

That the plaintiff's grantors and predecessors in interests and the defendants and their grantors and predecessors in interests, many years ago, when the waters of said river were unappropriated entered upon the said river and constructed dams therein and canals and waterways extending therefrom to their lands, cities, power plants, and places of use of the said waters, and then and there diverted from the said river and its tributaries the waters thereof, and conveyed the same through their canals and waterways to the places of use thereof and ever since have continued to so divert and use the said waters in the amounts, proportions and for the purposes hereinafter more particularly stated, and during all of the said time, the parties hereto, their grantors and predecessors in interests have continued to be and the parties hereto are now entitled to the use of the waters of said river at the places and to the extent and for the purposes hereinafter stated.

Amended
That the plaintiff and the defendants, Sego Irrigation Company, Wasatch Irrigation Company, Timpanogus Irrigation Company and Washington Irrigation Company by application to and upon the approval of the State Engineer of the State of Utah, have entered upon and constructed storage reservoirs near the head waters of said river, (and each and every year during the high water period and the nonirrigating season empound and store large quantities of water,) and during the low water period of each year release the same and comingle it with the waters of Provo River and recapture and use said stored water to a necessary and beneficial purpose.

That the defendants, the Utah Power & Light Company and the Midway Irrigation Company are the owners of a portion of the waters issuing from the Ontario Drain Tunnel.

That some of the lands irrigated by the waters of said river are of such a nature, and are so situated, that large quantities of

seepage water from said irrigation, seep and flow back into said river and into some of the canals diverting water from said river, after the same had been used for irrigation.

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That the seepage water flowing into the said canals and into the said river is available for use, and that for the purpose of equitably dividing and distributing the waters of said river so that the parties hereto may receive for use the quantity to which they are entitled, all of the waters of said river and canals shall be measured in such a way as to include as far as practicable all the seepage water and inflow waters, so that the same may be distributed among the parties entitled thereto as a part and portion of the waters of said river.

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That for the purpose of equitably dividing and distributing the waters of said river so that the parties may receive for use the quantity to which they are entitled where the flow in a canal is diminished by conditions that cannot be avoided, there shall be added to the amount sufficient water to make up such losses; in case of the flow of a canal is increased such increase should be counted as a part of its respective quantity; so as to give to the parties at the heads of their distributing laterals the quantities herein specified.

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That for the purpose of equitably dividing and distributing said waters among the parties entitled thereto, under the decree of this cause it is necessary to provide for a COMMISSIONER appointed by this Court; to provide just compensation for said commissioner and reasonable allowance for his necessary expenses; to provide the necessary assistance to said commissioner and caretakers at the several reservoirs, and their compensation; and to provide a method of an assessment of the parties hereto, their successors and assigns, to pay the said expenses and compensations.

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That it is necessary to authorize the COMMISSIONER, provided for herein, to distribute water to groups of individuals by combining their flow and giving to each of them an equivalent quantity of water with a proper sized irrigation stream for a period of time at reasonable intervals, commonly called the rotation system, and to direct said commissioner to so distribute said water.

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That it is necessary to provide; whenever, by mishap or accident or by conditions that cannot be controlled, to canal or ditch, a party to whom water has been awarded is deprived of his quantity of water and is in danger of sustaining material loss, a method to avoid such loss.

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That in order to make effectual the rights found and awarded herein it is necessary for the Court to retain original jurisdiction of this cause and the subject matter thereof and all the parties thereto, their successors and assigns, and for the purpose of all necessary supplemental orders which may be required to make effectual the rights as herein found and awarded.

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That, this Court in and for Wasatch County, State of Utah, on May 6th, 1899, entered a decree commonly called the "Fulton Decree", defining rights to the use of the waters of Provo River extending from the headwaters down to the Wasatch Dam, which is situate four miles north of the City of Heber.

This Court in and for Utah County, State of Utah, on January 29th, 1902, entered a decree, commonly called the "Morse Decree", defining rights to the use of the waters of Provo River at and below the mouth of Provo Canyon.

This Court in and for Utah and Wasatch counties, State of Utah, on January 26th, 1907, entered a decree commonly called the "Chidester Decree", defining rights to the use of waters of Provo River in Provo Canyon and Utah Valley.

No decree has been entered covering the rights to the use of the waters of Provo River between the head of Provo Canyon and the Wasatch Dam, a distance of ten miles and having many diversions for use from the stream.

This is the first litigation that has been ^{had}~~made~~ on the basis of the physical unity of the stream from its headwaters to its mouth.

That for the purpose of facilitating the statement of facts found and decreeing the rights to the use of the waters of Provo River and its tributaries to the parties entitled thereto, the area traversed by the Provo River and its tributaries is sub-divided into divisions, viz:

THE PROVO DIVISION, and

THE WASATCH DIVISION.

The Provo Division shall include all that area below and including what is known as and commonly called the Wright Ranch.

The Wasatch Division shall include all that area above what is known as and commonly called the Wright Ranch, and

That the Wasatch Division is sub-divided into Districts, viz:

The First District,

The Second District, and

The Third District.

The First District shall include that area of said division from and including what is known as and commonly called the Stewart Ranch down to the Hailstone Ranch, and

The Second District shall include that area of said division from and including what is known as and commonly called the Hailstone Ranch down to and including what is known as the Midway Upper Dam, and

The Third District shall include that area of said division from what is known as the Midway Upper Dam, down to what is known and commonly called the Wright Ranch.

The rights to the use of water in the PROVO DIVISION are herein sub-divided according to date of appropriation and as stipulated by the parties herein, and such sub-divisions are designated Classes A, B, C, D, E, F, G, H, I, and J.

The rights to the use of water within the WASATCH DIVISION are herein sub-divided according to dates of appropriation and as stipulated by the parties herein, and such sub-divisions are designated Classes, First (1st), Second (2nd), Third (3rd), Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10), Eleventh (11th), Twelfth (12th), Thirteenth (13th), Fourteenth (14th), Fifteenth (15th), Sixteenth (16th), Seventeenth (17th), Eighteenth (18th), Nineteenth (19th), and "Wasatch Division Power Rights".

P R O V O D I V I S I O N .

CLASS "A" RIGHTS.

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Amended as per suggestions

That all of the flow of Provo River, its tributaries, springs, seepage and percolating waters appropriated by the defendants and the predecessors in interest of the plaintiff before May 12th, 1903, for the purposes of irrigation, domestic and municipal use and for the generation of power in the PROVO DIVISION; for purposes of convenience are herein denominated Class "A", together with the number of acres of land with the duty of water per second foot on said land, the domestic and municipal requirements and generation of power requirements, and the quantities of water appropriated and necessarily and beneficially used, and to which each of said parties is entitled, are as follows:

PROVO CITY.

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(a)

2,058.6 Acres of Farm Land.

From May 10th to June 20th,	Duty 57,	36.12	second	feet.
" June 20th to July 20th,	" 63,	32.68	" "	" "
" July 20th to May 10th,	" 70,	29.41	" "	" "

(b)

499.91 Acres of City Lots.

From May 10th to Sept. 1st,	Duty 50,	10.00	second	feet.
" Sept. 1st to May 10th,	" 70,	7.14	" "	" "

(c) That said defendant Provo City, during the irrigation season of each and every year, is the owner of the right to the use of 16.50 second foot of water. Which water has heretofore been used for irrigation purposes by said city and for the generation of power by the Provo Ice & Cold Storage Company a corporation, E. J. Ward & Sons Company a corporation, Knight Woolen Mills a corporation, Smoot Investment Company a corporation, and Upton Hoover, W. E. Hoover, Webster Hoover and Frank Hoover as partners doing business under the name of Excelsior Roller Mills. And the said use for power purposes has been under license and grant from said Provo City and at such times and in such manner as has been made by mutual arrangements therefor.

(d) That said defendant, during the non-irrigating season of each and every year, subject to the rights of storing water at the several reservoirs of the plaintiff and defendants as hereinafter set forth, is the owner of the right to the use of sufficient of the waters of Provo River to supply the necessities of mill owners upon the Factory Race using water under license and grant from said city, not to exceed 65 cubic feet per second.

(e) That said defendant, Provo City has appropriated, has the right to collect by its pipe line and Waterworks System as now located and constructed in Provo Canyon, Utah County, Utah, and is entitled to convey and use for domestic and municipal purposes at Provo City, Utah, and adjacent thereto, all those waters now flowing from springs into said Waterworks System, excepting however, the waters of Maple or commonly called Yellow Jacket Spring; and the springs of water to which the said defendant Provo City is entitled are more particularly designated as follows: The spring known as the "South Guard Quarters Spring" which arises in a ravine above the flume line of the Utah Power & Light Company and below the ditch known as the "Johnson Ditch", situate in the southwest quarter section 36, township 5 south, range 3 east Salt Lake Base and Meridian, also the

springs arising between the County Road and the flume line of the Utah Power & Light Company and down from the County Highway Bridge crossing said river near the mouth of Bridal Veil Falls to the west line of the northeast quarter section 5, township 6 south, range 3 east, Salt Lake Base and Meridian.

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Timpanogus Canal Company 847 Acres.

From May 10th to June 20th,	Duty 60,	14.12	second	feet.
" June 20th to July 20th,	" 66,	12.83	"	"
" July 20th to May 10th,	" 75,	11.29	"	"

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Provo Bench Canal & Irrigation Company, 4,332.53 Acres.

From May 10th to June 20th,	Duty 57,	76.01	second	feet.
" June 20th to July 20th,	" 63,	68.77	"	"
" July 20th to May 10th,	" 70,	61.89	"	"

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Upper East Union Irrigation Company, 744.9 Acres.

From May 10th to June 20th,	Duty 57,	13.07	second	feet.
" June 20th to July 20th,	" 63,	11.82	"	"
" July 20th to May 10th,	" 70,	10.64	"	"

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Little Dry Creek Irrigation Company, 506 Acres.

From May 10th to June 20th,	Duty 60,	8.43	second	feet.
" June 20th to July 20th,	" 66,	7.67	"	"
" July 20th to May 10th,	" 75,	6.75	"	"

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First Ward Pasture Company, 147 Acres.

From May 10th to June 20th,	Duty 60,	2.45	second	feet.
" June 20th to July 20th,	" 66,	2.23	"	"
" July 20th to May 10th,	" 75,	1.96	"	"

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East River Bottom Water Company, 361.72 Acres.

From May 10th to June 20th,	Duty 52,	6.96	second	feet.
" June 20th to July 20th,	" 57,	6.35	"	"
" July 20th to Sept. 1st,	" 65,	5.56	"	"
" Sept. 1st to May 10th,	" 70,	5.17	"	"

Fort Field Irrigation
Company,

574.28 Acres.

From May 10th to June 20th,	Duty 80,	7.18	second	feet.
" June 20th to July 20th,	" 90,	6.38	"	"
" July 20th to Sept. 1st,	" 100,	5.74	"	"
" Sept. 1st to May 10th,	" 125,	4.59	"	"

Lake Bottom Canal
Company,

1,196 Acres.

From May 10th to June 20th,	Duty 80,	14.95	second	feet.
" June 20th to July 20th,	" 90,	13.29	"	"
" July 20th to Sept. 1st,	" 100,	11.96	"	"
" Sept. 1st to May 10th,	" 125,	9.57	"	"

Utah-Idaho Sugar Company,
Through the Lake Bottom
Canal,

54 Acres.

From May 10th to June 20th,	Duty 80,	0.67	second	foot.
" June 20th to July 20th,	" 90,	0.60	"	"
" July 20th to Sept. 1st,	" 100,	0.54	"	"
" Sept. 1st to May 10th,	" 125,	0.48	"	"

Also: Is entitled to the use from Spring Creek and Provo River through the Lake Bottom Canal, for the uses necessary in the processes of its Sugar Beet Slicing Plant as now located on its lands in section 2 and 3, township 7 south, range 2 east Salt Lake Base and Meridian.

From the 15th day of September to the 15th day of January of the next succeeding year, 5.00 second feet.

Alma Jorgensen.
Through the Lake
Bottom Canal,

25.00 Acres.

From May 10th to June 20th,	Duty 80,	.513	second	foot.
" June 20th to July 20th,	" 90,	.278	"	"
" July 20th to Sept. 1st,	" 100,	.250	"	"
" Sept. 1st to May 10th,	" 125,	.200	"	"

West Union Canal Company, and

Pauline Schemensky,	Stephen Jones,	E. T. Carter,
Amos Carter,	Permelia Young,	D. G. Golder,
J. E. Smith,	Owen A. Baum,	Joseph M. Carter,
Edith R. Buss,	Wilford Kenrod,	William Gorman,
Abram I. Smith,	A. J. Fenrod,	J. H. Buckner,
T. J. Smith,	W. E. Richards,	E. F. Alger,

Clara M. Stubbs,	J. C. Ivie,	Ann Carter,
Thomas Thornley,	John H. Carter,	D. W. Baum,
Richard Carter,	D. N. Greer,	Leo Baum,
D. N. Penrod,	Leo E. Smith,	B. W. Baum,
A. L. Tanner,	E. L. Dodder,	J. W. Smith,
Lettie York,		

Eliza Carter Ashton, administratrix of the estate of Aaron Carter, deceased, and Herbert D. Jobb, substituted for Cora A. Shirts, administratrix of the estate of Benjamin Shirts, deceased, as members of a voluntary association, not incorporated, under the name and style of the SMITH DITCH COMPANY, and also as individual tenants in common in the Smith Ditch and the right to the use of water therein, to be diverted from Provo River through the West Union Canal.

Jointly and undivided:

1,820 Acres.

From May 10th to June 20th,	Duty 57,	31.93	second feet.
" June 20th to July 20th,	" 63,	28.89	" "
" July 20th to May 10th,	" 70,	26.00	" "

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Carter Ditch Company.

John H. Carter	R. G. Carter,	Amos Carter,
David Carter,	R. D. Young,	Lafayette Carter,
Verinus Carter,	Mary E. Downs,	J. M. Downs, and

Eliza Carter Ashton, administratrix of the estate of Aaron Carter, deceased, as members of a voluntary association, not incorporated, under the name and style of the CARTER DITCH COMPANY, and also as individual tenants in common in the Carter Ditch and the right to the use of water therein, to be diverted from Provo River through the West Union Canal.

Jointly and undivided:

80 Acres.

From May 10th to June 20th,	Duty 52,	1.54	second feet.
" June 20th to July 20th,	" 57,	1.40	" "
" July 20th to Sept. 1st,	" 65,	1.23	" "
" Sept. 1st to May 10th,	" 70,	1.14	" "

Said quantities to be distributed with a proper sized irrigating stream, on rotation system.

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Faucett Field Ditch Company.

James L. Meldrum,	John E. Booth,	George James,
Merrill Holden,	Louis James,	Isaiah B. Lott,
Benjamin B. Richmond,	Walter Lott,	Joseph Faucett,

Ada J. Hickman, and Elmer Meldrum, as members of a voluntary association, not incorporated, under the name and style of the FAUCETT FIELD DITCH COMPANY, and also as individual tenants in common in the Faucett Field Ditches,

and the right to the use of water therein, to be diverted from Provo River through the Upper East Union Canal.

Jointly and undivided:

108.75 Acres.

From May 10th to June 20th, Duty 52,	2.09 second feet.
" June 20th to July 20th, " 57,	1.91 " "
" July 20th to Sept. 1st, " 65,	1.67 " "
" Sept. 1st to May 10th, " 70,	1.55 " "

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Barton & Young Ditch.

and Owned as tenants in common, and the right to the use of water therein, by:

- (a) Brice McBride as the successor in interest and substituted for Rudolph Riard. 29.60 Acres.

From May 10th to June 20th, Duty 50,	0.592 second foot.
" June 20th to July 20th, " 55,	0.538 " "
" July 20th to Sept. 1st, " 63,	0.470 " "
" Sept. 1st to May 10th, " 70,	0.423 " "

- (b) Permelia Young, 16.77 Acres, and as the successor to the interests of the Branch Young estate.

From May 10th to June 20th, Duty 50,	0.335 second foot.
" June 20th to July 20th, " 55,	0.305 " "
" July 20th to Sept. 1st, " 63,	0.266 " "
" Sept. 1st to May 10th, " 70,	0.240 " "

- (c) Ida Young Littley, 5.00 Acres.

From May 10th to June 20th, Duty 50,	0.100 second foot.
" June 20th to July 20th, " 55,	0.091 " "
" July 20th to Sept. 1st, " 63,	0.079 " "
" Sept. 1st to May 10th, " 70,	0.071 " "

- (d) Hetty Y. Goodwin, 5.00 Acres.

From May 10th to June 20th, Duty 50,	0.100 second foot.
" June 20th to July 20th, " 55,	0.091 " "
" July 20th to Sept. 1st, " 63,	0.079 " "
" Sept. 1st to May 10th, " 70,	0.071 " "

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Park & Nuttall Ditch.

Owned as tenants in common, and the right to the use of water therein, by:

- (a) M. B. Cutler, successor to, and substituted for Lewis W. Nuttall, 19.11 Acres.

From May 10th to June 20th, Duty 50,	0.382 second foot.
" June 20th to July 20th, " 55,	0.347 " "
" July 20th to Sept. 1st, " 63,	0.303 " "
" Sept. 1st to May 10th, " 70,	0.273 " "

(b) Daniel B. McBride, and as successor to Rudolph Ward.

12.50 Acres.

From May 10th to June 20th,	Duty 50,	0.250	second foot.
" June 20th to July 20th,	" 55,	0.227	" "
" July 20th to Sept. 1st,	" 63,	0.198	" "
" Sept. 1st to May 10th,	" 70,	0.179	" "

(c) David S. Park,

41.93 Acres.

From May 10th to June 20th,	Duty 50,	0.84	second foot.
" June 20th to July 20th,	" 55,	0.76	" "
" July 20th to Sept. 1st,	" 63,	0.67	" "
" Sept. 1st to May 10th,	" 70,	0.60	" "

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City Creek Ditches.

As tenants in common in the right to the use of water from City Creek.

(a) Iafe Baum,

7.50 Acres.

From May 10th to June 20th,	Duty 57,	0.134	second foot.
" June 20th to July 20th,	" 63,	0.119	" "
" July 20th to May 10th,	" 70,	0.107	" "

(b) Elmer Baum,

7.50 Acres.

From May 10th to June 20th,	Duty 57,	0.134	second foot.
" June 20th to July 20th,	" 63,	0.119	" "
" July 20th to May 10th,	" 70,	0.107	" "

(c) S. S. Cluff Jr.,

9.00 Acres.

From May 10th to June 20th,	Duty 57,	0.158	second foot.
" June 20th to July 20th,	" 63,	0.143	" "
" July 20th to May 10th,	" 70,	0.129	" "

(d) Jacob A. Baum,

10.00 Acres.

From May 10th to June 20th,	Duty 57,	0.175	second foot.
" June 20th to July 20th,	" 63,	0.159	" "
" July 20th to May 10th,	" 70,	0.143	" "

(e) James Amicome,

4.00 Acres.

From May 10th to June 20th,	Duty 57,	0.070	second foot.
" June 20th to July 20th,	" 63,	0.063	" "
" July 20th to May 10th,	" 70,	0.057	" "

(f) William Cluff, successor to Benjamin B. Richmond,

17.00 Acres.

From May 10th to June 20th,	Duty 52,	0.227	second foot.
" June 20th to July 20th,	" 57,	0.298	" "
" July 20th to Sept. 1st,	" 65,	0.262	" "
" Sept. 1st to May 10th,	" 70,	0.243	" "

(g) Alice Rambaud, successor to Benjamin B. Richmond,

16.00 Acres.

From May 10th to June 20th, Duty	52,	0.308	second foot.
" June 20th to July 20th, "	57,	0.281	" "
" July 20th to Sept. 1st, "	65,	0.246	" "
" Sept. 1st to May 10th, "	70,	0.229	" "

(n) Henry V. Smith Jr., 5.50 Acres.

From May 10th to June 20th, Duty	50,	0.110	second foot.
" June 20th to July 20th, "	55,	0.100	" "
" July 20th to Sept. 1st, "	63,	0.087	" "
" Sept. 1st to May 10th, "	70,	0.079	" "

(i) Provo Pressed
Brick Company, 40.00 Acres.

From May 10th to June 20th, Duty	57,	0.70	second foot.
" June 20th to July 20th, "	63,	0.64	" "
" July 20th to May 10th, "	70,	0.57	" "

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Thomas J. Foote, 11.00 Acres.

In section 25, township 6 south, range 2 east, S. L. M.

From May 10th to June 20th, Duty	57,	0.193	second foot.
" June 20th to July 20th, "	63,	0.175	" "
" July 20th to May 10th, "	70,	0.157	" "

of the waters from a Spring situate near said land.

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Spring Creek.

As tenants in common in the right to the use of water from Spring Creek and Provo River, in Utah County, Utah.

(a) Amos Carter, 3.00 Acres.

From May 10th to June 20th, Duty	50,	0.060	second foot.
" June 20th to July 20th, "	55,	0.055	" "
" July 20th to Sept. 1st, "	63,	0.048	" "
" Sept. 1st to May 10th, "	70,	0.043	" "

(b) Lafayette Carter, 4.55 Acres.

From May 10th to June 20th, Duty	50,	0.091	second foot.
" June 20th to July 20th, "	55,	0.085	" "
" July 20th to Sept. 1st, "	63,	0.072	" "
" Sept. 1st to May 10th, "	70,	0.065	" "

(c) David Carter, 4.38 Acres.

From May 10th to June 20th, Duty	50,	0.088	second foot.
" June 20th to July 20th, "	55,	0.079	" "
" July 20th to Sept. 1st, "	63,	0.069	" "
" Sept. 1st to May 10th, "	70,	0.063	" "

(d) Eliza Carter Ashton, as successor to the estate of Aaron Carter,

9.52 Acres.

From May 10th to June 20th, Duty	50,	0.190	second foot.
" June 20th to July 20th, "	55,	0.173	" "
" July 20th to Sept. 1st, "	63,	0.151	" "
" Sept. 1st to May 10th, "	70,	0.135	" "

(e) A. L. Tanner,

35.00 Acres.

From May 10th to June 20th, Duty	50,	0.700	second foot.
" June 20th to July 20th, "	55,	0.636	" "
" July 20th to Sept. 1st, "	63,	0.555	" "
" Sept. 1st to May 10th, "	70,	0.500	" "

(f) Esthma Tanner,

50.67 Acres.

From May 10th to June 20th, Duty	50,	1.013	second feet.
" June 20th to July 20th, "	55,	0.921	second foot.
" July 20th to Sept. 1st, "	63,	0.804	" "
" Sept. 1st to May 10th, "	70,	0.724	" "

(g) James M. Bonny,

6.00 Acres.

From May 10th to June 20th, Duty	50,	0.120	second foot.
" June 20th to July 20th, "	55,	0.109	" "
" July 20th to Sept. 1st, "	63,	0.095	" "
" Sept. 1st to May 10th, "	70,	0.086	" "

(h) Jane Williamson, successor to Joseph Williamson,

8.88 Acres.

From May 10th to June 20th, Duty	50,	0.178	second foot.
" June 20th to July 20th, "	55,	0.161	" "
" July 20th to Sept. 1st, "	63,	0.141	" "
" Sept. 1st to May 10th, "	70,	0.127	" "

(i) Mary E. Davis,

12.05 Acres.

From May 10th to June 20th, Duty	50,	0.241	second foot.
" June 20th to July 20th, "	55,	0.219	" "
" July 20th to Sept. 1st, "	63,	0.191	" "
" Sept. 1st to May 10th, "	70,	0.172	" "

(j) James F. Clyde,

17.25 Acres.

From May 10th to June 20th, Duty	50,	0.345	second foot.
" June 20th to July 20th, "	55,	0.314	" "
" July 20th to Sept. 1st, "	63,	0.274	" "
" Sept. 1st to May 10th, "	70,	0.246	" "

(k) Evan Williams,

3.51 Acres.

From May 10th to June 20th, Duty	50,	0.070	second foot.
" June 20th to July 20th, "	55,	0.064	" "
" July 20th to Sept. 1st, "	63,	0.056	" "
" Sept. 1st to May 10th, "	70,	0.050	" "

(7) Frederick J. Pulham, 2.00 Acres.

From May 10th to June 20th, Duty 50,	0.040 second foot.
" June 20th to July 20th, " 55,	0.036 " "
" July 20th to Sept. 1st, " 63,	0.032 " "
" Sept. 1st to May 10th, " 70,	0.022 " "

(8) Hugh L. Syme, 5.00 Acres.

From May 10th to June 20th, Duty 50,	0.100 second foot.
" June 20th to July 20th, " 55,	0.091 " "
" July 20th to Sept. 1st, " 63,	0.079 " "
" Sept. 1st to May 10th, " 70,	0.071 " "

(9) N. H. Greer, 0.50 Acre.

From May 10th to June 20th, Duty 50,	0.010 second foot.
" June 20th to July 20th, " 55,	0.009 " "
" July 20th to Sept. 1st, " 63,	0.008 " "
" Sept. 1st to May 10th, " 70,	0.007 " "

(10) D. W. Baum, 8.00 Acres.

From May 10th to June 20th, Duty 50,	0.160 second foot.
" June 20th to July 20th, " 55,	0.146 " "
" July 20th to Sept. 1st, " 63,	0.127 " "
" Sept. 1st to May 10th, " 70,	0.114 " "

(11) Andrew Forsythe, 24.69 Acres.

From May 10th to June 20th, Duty 50,	0.494 second foot.
" June 20th to July 20th, " 55,	0.449 " "
" July 20th to Sept. 1st, " 63,	0.392 " "
" Sept. 1st to May 10th, " 70,	0.353 " "

(12) Stephen Jones, 6.65 Acres.

From May 10th to June 20th, Duty 50,	0.133 second foot.
" June 20th to July 20th, " 55,	0.121 " "
" July 20th to Sept. 1st, " 63,	0.106 " "
" Sept. 1st to May 10th, " 70,	0.095 " "

(13) Mary A. Brown, 13.12 Acres.

From May 10th to June 20th, Duty 50,	0.262 second foot.
" June 20th to July 20th, " 55,	0.238 " "
" July 20th to Sept. 1st, " 63,	0.208 " "
" Sept. 1st to May 10th, " 70,	0.187 " "

(14) A. F. Snyder, 10.42 Acres.

From May 10th to June 20th, Duty 50,	0.208 second foot.
" June 20th to July 20th, " 55,	0.189 " "
" July 20th to Sept. 1st, " 63,	0.165 " "
" Sept. 1st to May 10th, " 70,	0.149 " "

(15) Maggie Pearl Brown 1.62 Acres.

From May 10th to June 20th, Duty 50,	0.032 second foot.
" June 20th to July 20th, " 55,	0.029 " "
" July 20th to Sept. 1st, " 63,	0.026 " "
" Sept. 1st to May 10th, " 70,	0.023 " "

(v) Wilmoth H. Brown, 2.45 Acres.

From May 10th to June 20th, Duty	50,	0.049	second foot.
" June 20th to July 20th, "	55,	0.045	" "
" July 20th to Sept. 1st, "	63,	0.039	" "
" Sept. 1st to May 10th, "	70,	0.035	" "

(w) Joseph M. Brown, 7.03 Acres.

From May 10th to June 20th, Duty	50,	0.141	Second Foot.
" June 20th to July 20th, "	55,	0.128	" "
" July 20th to Sept. 1st, "	63,	0.112	" "
" Sept. 1st to May 10th, "	70,	0.100	" "

(w) Charles H. Davis, 8.59 Acres.

From May 10th to June 20th, Duty	50,	0.172	second foot.
" June 20th to July 20th, "	55,	0.156	" "
" July 20th to Sept. 1st, "	63,	0.136	" "
" Sept. 1st to May 10th, "	70,	0.123	" "

(x) Fred Davies, 14.30 Acres.

From May 10th to June 20th, Duty	50,	0.286	second foot.
" June 20th to July 20th, "	55,	0.260	" "
" July 20th to Sept. 1st, "	63,	0.227	" "
" Sept. 1st to May 10th, "	70,	0.204	" "

(y) David Johnson, 7.30 Acres.

From May 10th to June 20th, Duty	50,	0.146	second foot.
" June 20th to July 20th, "	55,	0.133	" "
" July 20th to Sept. 1st, "	63,	0.116	" "
" Sept. 1st to May 10th, "	70,	0.104	" "

(z) Isabell West, and as successor to Szur Monson,

9.36 Acres.

From May 10th to June 20th, Duty	50,	0.137	second foot.
" June 20th to July 20th, "	55,	0.170	" "
" July 20th to Sept. 1st, "	63,	0.149	" "
" Sept. 1st to May 10th, "	70,	0.134	" "

(aa) J. Joseph Johnson, 4.85 Acres.

From May 10th to June 20th, Duty	50,	0.097	second foot.
" June 20th to July 20th, "	55,	0.088	" "
" July 20th to Sept. 1st, "	63,	0.077	" "
" Sept. 1st to May 10th, "	70,	0.069	" "

(ab) E. D. Partridge, 5.05 Acres.

From May 10th to June 20th, Duty	50,	0.101	second foot.
" June 20th to July 20th, "	55,	0.092	" "
" July 20th to Sept. 1st, "	63,	0.080	" "
" Sept. 1st, to May 10th, "	70,	0.072	" "

(ac) Olive Smith, 5.00 Acres.

From May 10th to June 20th, Duty	50,	0.100	second foot.
" June 20th to July 20th, "	55,	0.091	" "
" July 20th to Sept. 1st, "	63,	0.079	" "
" Sept. 1st to May 10th, "	70,	0.071	" "

(ad) Ashted Taylor, 22.46 Acres.

From May 10th to June 20th, Duty 50,	0.449 second foot.
" June 20th to July 20th, " 55,	0.408 " "
" July 20th to Sept. 1st, " 63,	0.356 " "
" Sept. 1st to May 10th, " 70,	0.321 " "

(ae) George Taylor Jr., 10.19 Acres.

From May 10th to June 20th, Duty 50,	0.204 second foot.
" June 20th to July 20th, " 55,	0.185 " "
" July 20th to Sept. 1st, " 63,	0.162 " "
" Sept. 1st to May 10th, " 70,	0.146 " "

(af) E. V. Vincent, 10.00 Acres.

From May 10th to June 20th, Duty 50,	0.200 second foot.
" June 20th to July 20th, " 55,	0.182 " "
" July 20th to Sept. 1st, " 63,	0.159 " "
" Sept. 1st to May 10th, " 70,	0.143 " "

(ag) Louisa Brown, sued as Eliza Brown,

7.50 Acres.

From May 10th to June 20th, Duty 50,	0.150 second foot.
" June 20th to July 20th, " 55,	0.136 " "
" July 20th to Sept. 1st, " 63,	0.119 " "
" Sept. 1st to May 10th, " 70,	0.107 " "

(ah) J. E. Smith, 5.00 Acres.

From May 10th to June 20th, Duty 50,	0.100 second foot.
" June 20th to July 20th, " 55,	0.091 " "
" July 20th to Sept. 1st, " 63,	0.079 " "
" Sept. 1st to May 10th, " 70,	0.071 " "

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Lowest Ditch, on North side Provo River.

That, the following parties are to be supplied from the waters arising below the Lake Bottom Canal, and whose lands lie below the lands irrigated by the Lake Bottom Canal:

Reed J. Knudsen, Louis Marriot, Lars Jacobson,
Albert Jacobson, Isaac P. Nelson, William D. Lewis,
Benjamin H. Knudsen, William C. Williamson, Lewis Jacobson,

Jointly and undivided:

80.00 Acres.

From May 10th to June 20th, Duty 80,	1.00 second feet.
" June 20th to July 20th, " 90,	0.88 " "
" July 20th to Sept. 1st, " 100,	0.80 " "
" Sept. 1st to May 10th, " 125,	0.64 " "

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Jacobson Ditch.

That, the following parties are to be supplied from the waters arising in a slough and Provo River in section 2, township 7 south, range 2 east Salt Lake Meridian.

Albert Jacobson, Louis Jacobson, Annie Glade,
 Sarah Williams, Zion's Savings Bank & Trust Company,
 Herbert D. Jobb, substituted for Cora A. Shirts.

Jointly and undivided:

63.00 Acres.

From May 10th to June 20th, Duty 80,	0.78 second foot.
" June 20th to July 20th, " 90,	0.70 " "
" July 20th to Sept. 1st, " 100,	0.63 " "
" Sept. 1st to May 10th, " 125,	0.50 " "

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Madsen Ditch.

Of waters arising in three springs situate near Lake View Depot, in the northeast quarter section 2, township 7 south, range 2 east Salt Lake Meridian.

(a) Charles A. Madsen. 60.00 Acres.

From May 10th to June 20th, Duty 80,	0.750 second foot.
" June 20th to July 20th, " 90,	0.667 " "
" July 20th to Sept. 1st, " 100,	0.600 " "
" Sept. 1st to May 10th, " 125,	0.480 " "

(b) Edwin Madsen. 40.00 Acres.

From May 10th to June 20th, Duty 80,	0.500 second foot.
" June 20th to July 20th, " 90,	0.444 " "
" July 20th to Sept. 1st, " 100,	0.400 " "
" Sept. 1st to May 10th, " 125,	0.320 " "

(c) W. W. Ercanbrack, as successor in interest to D. H. Madsen, Mattie E. Madsen, and the estate of Brigham Madsen, deceased.

33.00 Acres.

From May 10th to June 20th, Duty 80,	0.412 second foot.
" June 20th to July 20th, " 90,	0.367 " "
" July 20th to Sept. 1st, " 100,	0.330 " "
" Sept. 1st to May 10th, " 125,	0.264 " "

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Andrew Knudsen. 66.00 Acres.

In section 4 and 9, township 7 south, range 2 east Salt Lake Meridian.

Of the waters arising in Provo River below the Fort Field Dam.

From May 10th to June 20th, Duty 80,	0.82 second foot.
" June 20th to July 20th, " 90,	0.73 " "
" July 20th to Sept. 1st, " 100,	0.66 " "
" Sept. 1st to May 10th, " 125,	0.528 " "

Provo Canyon Rights:

- (a) Johanna C. J. Anderson, 30.00 Acres.

From January 1st to December 31st, Duty 60, 0.50 second foot.

From Deer Creek, a tributary of Provo River, to be used on lands now owned by her that lie along said Creek.

- (b) Charles S. Conrad, and A. M. Conrad,

AS co-parteners and as successors in interest to C. S. Conrad, and J. R. Hooks.

104 Acres.

From January 1st to December 31st, Duty 60, 1.73 second feet.

From South Fork Creek, a tributary of Provo River, to be used upon the lands now owned by them and that lie along said Creek.

- (c) L. L. Donnon.

From January 1st to December 31st,
For the irrigation of one acre of land, 0.017 second foot.

Also: for the irrigation and sprinkling
of four acres of lawn,..... 0.080 second foot.

Also: All the waters of those certain springs arising on the north half of the southeast quarter of section 34, township 5 south, range 3 east, Salt Lake Base and Meridian, for the purposes of fish culture, the same, after being applied to such use, to be by him returned into the Provo River.

- (d) W.W.Eracnbrack. 22.00 Acres

As the successor in interest of the South Fork Cattle Company.

From January 1st to December 31st, Duty 60, 0.367 second foot.

From South Fork Creek, a tributary of Provo River, to be used upon the lands now owned by him and that lie along said Creek.

- (e) Hyrum Heiselt.

From January 1st to December 31st.

For the irrigation of two acres of land, Duty 60, .033 second foot.

From Provo River, and to be used upon the lands now owned by him and that lie along said river.

Also: Is the owner and entitled to the use of a spring on his premises known as the "Heiselt House Spring", and a spring on his premises known as the "Big Pipe Spring", and is the owner and entitled to the use of one-half of the flow of what is known as the "Joint Spring", situate on the "Steele Farm".

- (f) John W. Hoover.

From January 1st to December 31st.

For the irrigation of 14 acres of land, situate near the head of Provo Canyon and that lie along Provo River, Duty 60, 0.233 second foot which shall consist of the water from a small

spring on his premises and heretofore used by him and sufficient water from the river which when added to the spring water to make up the said quantity.

ALSO: One-tenth of the flowing waters of what is commonly known as "Enoch Spring" and "Little Spring", not to exceed 0.17 second foot.

(g) Spring Dell Resort Company.

From January 1st to December 31st.

Is entitled to the use of one second foot of the flowing waters of what is known as the "Spring Dell Spring" arising on the premises of said defendant in Provo Canyon, to be used for culinary and domestic purposes, and said water to be used upon, and only upon, the said premises.

(h) South Fork Trout Company.

From January 1st to December 31st.

As the successor in interest to George J. Duke.

For the irrigation of 30 acres of land, Duty 60, .50 second foot.

Also: Is entitled to the use of all of the waters of those certain springs commonly known as the Ellen, Pine Bug and Rhoda Springs, arising on the lands now owned by said company lying along the South Fork and of ten second feet of the flowing waters of the South Fork, all of said waters to be used for the purpose of fish culture and to be diverted from said springs and said Fork of the Provo River into lakes or ponds and runs and hatcheries, the same after being applied to such use to be returned to the natural channel of said South Fork.

(i) Charles W. Thomas, and Charles E. Giles.

As copartners, and successors in interest to Edward C. Mecham.

For the irrigation of 40 acres of land, situate in the South Fork of Provo Canyon, and that lie along South Fork Creek, Duty 60, 0.67 second foot, which shall consist of the water from a small spring on their premises and heretofore used by them and sufficient water from the said Creek which when added to the spring water to make up the said quantity.

(j) Wildwood Resort Company.

Successor to George I. Taylor.

For the irrigation of 16.00 Acres of land, near the mouth of the North Fork of Provo Canyon, Duty 60, 0.27 second foot, from the North Fork Cree, a tributary of Provo River, and to be used upon the lands now owned by it that lie along said Creek.

Also: All the waters of a certain spring arising near its premises, for the purposes of fish culture, and the same, after being applied to such use, to be by it returned into Provo River.

John D. Dixon.

As successor in interest to J. H. Snyder, Joshua J. Meham, John W. Hoover, and Hyrum Heiselt, is the owner of the right to the use of 2.80 second feet, all of which water was appropriated and used upon lands ~~along the South Fork Creek~~ in Provo Canyon and the place of use having been changed and said water is now being used upon land under the Provo Reservoir Canal, and such use may be continued, and the quantity found to which the said defendant is entitled to in the Provo Reservoir Canal is 2.52 second feet.

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John C. Whiting.

Successor in interest to Joseph R. Murdock as administrator of the estate of William Wright, deceased, from January 1st to a time in each year not earlier than June 15th and not later than June 30th, when the plaintiff the Provo Reservoir Company, elects to release the waters stored by it in its reservoirs near the head of the Provo River into said river, said defendant John C. Whiting is entitled to:

- Amended
as proposed
by afft*
- (a) One second foot.
 - (b) Nine-tenths of the waters arising in what is commonly known as "Enoch Spring" and "Little Spring", arising upon the lands formerly owned by William Wright, deceased.
 - (c) And to, 3.50 second feet of the waters of Round Valley Creek.

ALSO: Said defendant John C. Whiting, from a time in each year not earlier than June 15th and not later than June 30th, when the plaintiff the Provo Reservoir Company elects to release the waters stored by it in its reservoirs near the head of the Provo River into said river, to December 31st of that year, is entitled to 0.033 second foot of the waters of Round Valley Carrk for the irrigation of two acres of land.

AND ALSO: Said defendant John C. Whiting, as successor in interest to John Hartle, is the owner and entitled to the use, from January 1st to December 31st of each year, to .092 second foot of the waters of Round Valley Creek, for the irrigation of 5.5 acres of land, to be used by said defendant upon the lands that lie along Round Valley Creek and formerly owned by John Hartle.

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Caleb Tanner.

As successor in interest to Charles H. Taylor.

18.00 Acres.

To be diverted through the Provo Bench Canal,

From January 1st to December 31st, 0.25 second foot.

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Esthma Tanner.

That Esthma Tanner is the owner and entitled to the use of the seepage and spring water accumulating and arising upon her land, and collected by her in the drainage system laid upon said land situated about five miles from the mouth of Provo

Canyon, and she is entitled to discharge said water into Provo River and to take from said river an equal amount at the intake of the Provo Bench Canal, so long, and so long only, as the requirements of the users of water from Provo River diverting the same at points below the point of discharge of such drainage water in the said river are not supplied from seepage water, but require the turning down of water from the main flow of the river; and the said Esthma Tanner is entitled to take from said river at the said intake of the Provo Bench Canal, such quantity of water only as is required to be turned down for such lower diversions not exceeding, however, the quantity of water discharged by her into the river from said drainage system.

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Provo Pressed Brick Company.

That the defendant the Provo Pressed Brick Company, under application to the State Engineer of the State of Utah, number 1221, bearing date of February 28, 1907, and under the certificate of the said Engineer issued pursuant to said application number 109 B, bearing date of February 19th, 1913, is entitled to use for the generation of power at its Brick Plant as at present located in section 36, township 6 south, range 2 east, Salt Lake Base and Meridian; the waters, not to exceed 100 second feet, herein awarded to and used by the defendant Provo City and mill owners using water under lease and grant from said city and which is used through and from the distributing channels known as the Factory Race, City Race, and Tanner Race.

After such use by the said defendant Provo Pressed Brick Company the same is to be returned to the distributing channels aforesaid, and must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendant must utilize and use such waters without substantial diminution in quantity or any deterioration in quality, and said use is but an additional use of waters hereinbefore denominated in paragraph 57, and found in paragraph 58, and that such use by said defendant is subject to and shall not interfere with the use of said waters by Provo City.

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Utah Power & Light Company.

- (a) That, from January 1st to December 31st of each and every year, the Utah Power & Light Company, as the successor in interest to the rights of the Telluride Power Company, and the Telluride Power & Transmission Company, has the right to divert from Provo River by its dam built across said river in section 34, township 5 south, range 3 east, Salt Lake Base and Meridian, and convey through its flume and pipe line extending from said dam to its power generating station situated in the northeast quarter of section 7, township 6 south, range 3 east, Salt Lake Base and Meridian at or near the mouth of Provo Canyon in Utah County, Utah, 229 second feet of water, to be used for the generating of power. The said defendant, the Utah Power & Light Company, in order to divert and use said quantity of water, has the right and is entitled to divert and use all of the flow of said river at said dam and diversion works as now

located, except the storage water, the waters diverted from the Weber River, hereinafter set out, tunnel water, and transferred water rights that have the right to pass said dam at any stage of flow at or below the quantity above specified, and in making such diversion of said waters, the said defendant has the right to re-construct or improve said dam or to build a new dam at the present location of said dam.

- (b) The said defendant Utah Power & Light Company has appropriated and is entitled to use in addition thereto through its flume for the generation of power the waters of Lost Creek, not exceeding 6.41 second feet thereof, also the waters of Bridal Veil Falls, not exceeding 4.11 second feet thereof, ^{from June 1st to Dec 31st} and ^{inc.}
- (c) The said defendant Utah Power & Light Company has the right to the use for irrigation and domestic purposes the waters of Johnson or North Guardquarters Springs, not exceeding .8 second foot thereof.
- (d) That all of such waters so awarded to and used by the said defendant Utah Power & Light Company for the generation of power, must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendant must utilize and use such waters without substantial diminution in quantity or any deterioration in quality.
- (e) That the said defendant the Utah Power & Light Company is the owner of and entitled to the use of the flowing waters from the mouth of the "Ontario Drain Tunnel" in Wasatch County, Utah, one-half thereof, after deducting five and one-half second feet, that is:
Flow from Ontario Drain Tunnel - 5.5 second feet.

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And has the right to comingle the same with the waters of Provo River and use for the generation of power and for other purposes, or to use for the generation of power and lease or grant the use of the same for irrigation and other beneficial purposes.

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Provo Reservoir Company.

From a time in each year, not earlier than June 15th and not later than June 30th, when said company elects to release the waters stored by it in its reservoirs near the head waters of the Provo River into said river, it, as successor in interest to Joseph R. Murdock, as administrator of the estate of William Wright, deceased, has the right to the use of the following:

- (a) To nine-tenths of the waters arising in what is commonly known as "Enoch Spring" and "Little Spring", arising from the lands formerly owned by William Wright, deceased, the same to be turned from said springs into the Provo River and recaptured after deducting ten per cent by said company from said river through its canal at the Heiselt Dam.
- (b) To, of the flowing waters of Round Valley Creek, not to exceed 3.50 second feet to be comingled with the waters of said Provo River and recaptured after deducting ten per cent by said company from said river through its canal at Heiselt Dam

*Amended
as proposed
by Plaintiff*

To 0.90 second foot of the flowing waters of Provo River and is entitled to divert the same from the river through its canal at the Heiselt Dam, from the time above fixed to December 31st of each year.

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Provo Reservoir Company.

That the plaintiff the Provo Reservoir Company, as the successor in interest to the rights of the Blue Cliff Canal Company, a corporation heretofore and now existing under the laws of the State of Utah, has the right to the use of fifty second feet, from January 1st to December 31st of each year, which said 50.00 second feet consists of the waters of "Maple" or commonly called "Yellow Jacket Spring", "Pony Steele Springs" excepting one-half of the "Joint Spring" and all other springs originally arising in or discharging their waters into the Blue Cliff Canal, and sufficient water from Provo River which when added to the spring water will aggregate the said 50.00 second feet.

The point of diversion of all of said waters shall be at the location of the present headgate of the present Provo Bench Canal, which is below the tailrace of the Utah Power & Light Company's present Olmstead Hydro-electric Plant, or at such other point or points as will not interfere with the use of the river portion of said water by the Utah Power & Light Company through its said Olmstead Plant as at present located.

Paragraph 91:

That the plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under applications approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer, have the right to store quantities of water in the high or flood water season that are in excess of the quantities herein awarded; said reservoirs are also entitled to store all the waters that can be stored in them between September 15th and April 15th of each and every year.

Paragraph 91:

That the plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under applications approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer, have the right to store quantities of water in the high or flood water season that are in excess of the quantities herein awarded; said reservoirs are also entitled to store all the waters that can be stored in them between September 15th and April 15th of each and every year.

Paragraph 91:

That the plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under applications approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer, have the right to store quantities of water in the high or flood water season that are in excess of the quantities herein awarded; said reservoirs are also entitled to store all the waters that can be stored in them between September 15th and April 15th of each and every year.

CLASSES "B", "C", "D", "E", "F", "G", "H", "I", AND "J".

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That the plaintiff and the defendants that appropriate water under applications approved by the State Engineer of the State of Utah, and that appropriate water under certificates of completion of appropriation issued by the said State Engineer, are hereinafter denominated, and the waters to which each of said parties are entitled is as follows:

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Amended
That the plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under applications approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer, have the right and are entitled to store in said reservoirs all the water that can be stored in them between September 15th and April 15th of the succeeding year.

CLASS "B" RIGHTS.

Provo Reservoir Company: -92-
Sego Irrigation Company:

That the waters of the Provo Reservoir Company and the Sego Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, are herein denominated Class "B", and the quantities of water to which the said parties are entitled is as follows:

(a) Provo Reservoir Company:

That the plaintiff the Provo Reservoir Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water, is entitled to 12/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof:

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended as long as said application is in good standing in said State Engineer's Office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under application according to its priority of right and the priority of rights fixed herein:

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

(b) Sego Irrigation: *Company*

That the defendant the Sego Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water, is entitled to 2/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended as long as said application is in good standing in said State Engineer's Office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation the said defendant is entitled to said water or such portion thereof, as may be available from year to year and time to time, under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

CLASS "C" RIGHTS.

Provo Reservoir Company: -93-
Sego Irrigation Company:

That, the water of the Provo Reservoir Company and the Sego Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, are herein denominated Class "C", and the quantities of water to which the said parties are entitled is as follows:

(a) Provo Reservoir Company:

That the plaintiff the Provo Reservoir Company as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, for 7500 acre feet of water from Shingle Creek and Beaver Creek a tributary of the Weber River. hereinbefore referred to, is entitled to 26/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's Office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application.

And, upon and after the completion of said appropriation the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer

(b) Sego Irrigation Company:

That the defendant the Sego Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 944, bearing date of June 12, 1906, for 7500 acre feet of water from Shingle Creek and Beaver Creek a tributary of the Weber River, hereinbefore referred to, is entitled to 2/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's Office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer.

CLASS "D" RIGHTS

Provo Reservoir Company: -94-

That the waters under application to the State Engineer of the State of Utah, number 1828, bearing date of April 16, 1908, are herein denominated Class "D", and;

That the plaintiff the Provo Reservoir Company, under application to the State Engineer of the State of Utah, number 1828, bearing date of April 16, 1908, for 150 second feet of the waters of Provo River for irrigation purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's Office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

CLASS "E" RIGHTS.

Provo Reservoir Company: -95-

That the waters under application to the State Engineer of the State of Utah, number 1847, bearing date of April 29, 1908, are herein denominated Class "E", and;

That, the plaintiff the Provo Reservoir Company, under application to the State Engineer of the State of Utah, number 1847, bearing date of April 29, 1908, for 100 second feet of water from Beaver Creek a tributary of the Weber River, hereinbefore referred to, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's Office, the said plaintiff is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application;

And, upon and after the completion of said appropriation, the said plaintiff is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer.

CLASS "F" RIGHTS.

Provo Reservoir Company: -96-

That the waters under applications numbers 2077, 2077 A, 2077 B, 2077 C, 2077 D, 2077 E, 2077 F, 2077 G, 2077 H, 2077 I, 2077 J, 2077 K, 2077 L, 2077 M, 2077 N, 2077 O, 2077 P, and 2077 Q, bearing date of September 15, 1908, are herein denominated Class "F", and;

That the Provo Reservoir Company, under application to the State Engineer of the State of Utah, bearing date of September 15, 1908, number 2077 for 316.6 acre feet of water,

"	2077 A	for 824.1	acre feet of water,				
"	2077 B	" 421.1	"	"	"	"	"
"	2077 C	" 166.5	"	"	"	"	"
"	2077 D	" 227.5	"	"	"	"	"
"	2077 E	" 1460.0	"	"	"	"	"
"	2077 F	" 280.8	"	"	"	"	"
"	2077 G	" 398.2	"	"	"	"	"
"	2077 H	" 313.9	"	"	"	"	"
"	2077 I	" 175.9	"	"	"	"	"
"	2077 J	" 124.9	"	"	"	"	"
"	2077 K	" 173.0	"	"	"	"	"
"	2077 L	" 471.9	"	"	"	"	"
"	2077 M	" 209.0	"	"	"	"	"
"	2077 N	" 230.0	"	"	"	"	"
"	2077 O	" 1650.0	"	"	"	"	"
"	2077 P	" 820.6	"	"	"	"	"
"	2077 Q	" 1650.0	"	"	"	"	"

, is entitled to said water and water right, and is entitled to complete said appropriations and make final proof thereof;

And, pending the time designated by the said State Engineer for the completions of said appropriations as the same may have been or may hereafter be extended, so long as said applications are in good standing in said State Engineer's Office, the said Provo Reservoir Company, is entitled to the said water or such portion thereof as may be available from year to year and time to time, under said applications, according to their priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriations, the said Provo Reservoir Company is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificates of completion of appropriations issued by the said State Engineer, according to the priority of right of said certificates and the priority of rights fixed herein.

CLASS "G" RIGHTS.

John D. Dixon:

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That the waters under application to the State Engineer of the State of Utah, number 2134, bearing date of October 27, 1908, are herein denominated Class "G", and;

That the defendant John D. Dixon, under application to the State Engineer of the State of Utah, number 2134, bearing date of October 27, 1908, for 1st second feet of waters of Provo River for irrigation purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may ~~have been~~ or may hereafter be extended, so long as said application is in good standing in said State Engineer's Office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

CLASS "H" RIGHTS.

Sego Irrigation Company:

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That the waters under application to the State Engineer of the State of Utah, number 2575, bearing date of July 15, 1909, are herein denominated Class "H", and;

That the defendant the Sego Irrigation Company, as the successor in interest to C. E. Loose and James Olove, under application number 2575, bearing date of July 15, 1909, for ten second

feet of the waters of Provo River, for irrigation purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's Office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

CLASS "I" RIGHTS.

Samuel Rieske:

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That the waters under application to the State Engineer of the State of Utah, numbers 2623 and 2624, bearing date of August 7, 1909, are herein denominated Class "I", and

(a) That the defendant Samuel Rieske, as successor in interest to John H. McEwan, under application to the State Engineer of the State of Utah, number 2623, bearing date of August 7, 1909, for two second feet of water for irrigation purposes, and having completed said appropriation and made final proof thereof and received from the said State Engineer on the 20th, day of July, 1916, the certificate of completion of appropriation for 1.27 second feet of water, is entitled to said 1.27 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion, and according to the priority of right of said certificate and the priority of rights fixed herein;

(b) That the defendant Samuel Rieske, as successor in interest of John H. McEwan, under application to the State Engineer of the State of Utah, number 2624, bearing date of August 7, 1909, for two second feet of water for irrigation purposes, and having completed said appropriation and made final proof thereof, and received from the said State Engineer on the 20th, day of July 1916, the certificate of completion of appropriation for 0.66 second foot of water, is entitled to said 0.66 second foot of water or such portion thereof as may be available from year to year and time to time under the terms of said certificate of completion, and according to the priority of right of said certificate and the priority of rights fixed herein.

CLASS "J" RIGHTS.

L. L. Donnon:

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That the waters under application to the State Engineer of the State of Utah, number 4978, bearing date of December 23, 1912, are herein denominated Class "J", and;

That the defendant L. L. Donnon, under application to the State Engineer of the State of Utah, number 4978, bearing date of December 23, 1912, for 20 second feet of the waters of Provo River for power purposes, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And, pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's Office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application, according to its priority of right and the priority of rights fixed herein;

And, upon and after the completion of said appropriation, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

W A S A T C H D I V I S I O N .

First and Second Districts.

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That the defendants in the First and Second Districts of the Wasatch Division, are entitled to the use of certain waters of the Provo River and its tributaries, springs, seepage and percolating waters, and waters from the Ontario Drain Tunnel, and which are necessary for the purposes of generation of power, domestic and municipal use, and for the irrigation of lands, and which rights are set out and agreed to between the plaintiff and the defendants, in stipulations filed or entered into in open Court, as follows:

"It is hereby stipulated by and between the parties hereto by their respective counsels whose names are subscribed to this stipulation that when the decree is entered in this cause the waters of the Provo River and its tributaries awarded to the parties to this stipulation shall be as hereinafter stated.

1. That as to priority of right the findings and decree of the Fourth District Court in and for Wasatch County, State of Utah, in the case of the Wasatch Irrigation Company et al vs. Edward M. Fulton, et al, entered May 6, 1899, be adopted as defining the rights of the parties to this action, named in said decree from first to tenth class rights, inclusive, said waters to be measured at the head of the laterals.

2. That the Spring Creek Irrigation Company is entitled to a first class water right of one second foot for sixty acres of land irrigated for seven hundred and twenty acres; and the parties above the midway upper dam that were not included in the Fulton decree that appropriated waters from Provo River and its tributaries prior to the filing of said decree are entitled to one second foot for seventy acres of land as irrigated at the time of said appropriation, and are entitled to be included in the classes of said decree according to its date of appropriation as classed in said decree.

3. That John A. Johnson is entitled to one and one-half second feet of water for ninety acres of land as a first class water right and Phillip L. Ford is entitled as a first class water right to one second foot for the sixty acres of land irrigated by him; both of whom take said water from the river at the upper midway dam.

4. That the Midway Irrigation Company and the parties whose waters the said company controls and distributes are entitled to, (a) five and one-half second feet of water as described in the said Fulton decree as coming from the Ontario Drain Tunnel, which is not a part of the natural flow of Provo River, to be diverted and measured at the Midway upper dam; (b) A first class water right to the waters of Snake Creek, Pine Creek and all springs heretofore used by them, and two and a half second feet of the waters of Provo River to be diverted at the Midway upper dam, or such portions thereof of which, when added to the five and a half second feet of Tunnel water heretofore specified, will not exceed a quantity greater than one second foot for sixty acres of land irrigated for three thousand five hundred and eighty-five acres, exclusive of the Island Ditch acres.

5. That the foregoing quantities constitute the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth classes of water of the parties to this cause that divert and appropriate the waters of Provo River and its tributaries in Wasatch and Summit Counties.

6. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, then the parties to said findings and decree referred to in paragraph 1 hereof, are entitled to one second foot of water for each sixty acres of irrigated land.

The foregoing amount is denominated as the eleventh class.

7. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the Sage Brush Irrigation Company is entitled of such excess to one second foot of water for sixty acres of land irrigated, for five hundred acres.

The foregoing amount is denominated as the twelfth class.

8. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the Midway Irrigation Company and parties whose waters the said company controls and distributes, are entitled of such excess, in addition to the quantity specified in paragraph 4, to be diverted at said upper Midway Dam, to twelve and seventeen one-hundredths second feet, or such portion thereof which when added to the quantity specified in paragraph 4 as is necessary to and will not exceed a quantity greater than one second foot for sixty acres of land irrigated as specified in paragraph 4.

The foregoing is denominated as the thirteenth class.

9. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified as belonging to the parties above named, the following named parties are entitled of such excess to the following quantities:

(a) The Stewart Ranch, a corporation, sixteen and sixty-seven hundredths second feet for the irrigation of one thousand acres of land.

(b) The Timpanogus Irrigation Company, thirty-three and thirty-three one hundredths second feet for the irrigation of two thousand acres of land.

(c) The Extension Irrigation Company, thirteen and 33/100 second feet for the irrigation of eight hundred acres of land.

(d) The Sunrise Irrigation Company two and 4/10 second feet of water for one hundred and forty-four acres of land.

The foregoing quantities are denominated as the fourteenth class.

10. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the Midway Irrigation Company and the parties whose waters the said company controls and distributes, are entitled to twenty second feet of such excess, to be diverted at the Midway upper dam, in addition to the quantity specified in paragraph 4 and 8, or so much thereof as is necessary to supply the three thousand five hundred and eighty-five acres of land above the Island Ditch one second foot for sixty acres of said land.

The foregoing quantities are denominated as the fifteenth class.

11. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified, the lands in Wasatch and Summit Counties not included in the foregoing that have been brought under an appropriation prior to September 15, 1908, are entitled of such excess to an amount of one second foot for sixty acres of such irrigated land.

The foregoing is denominated as the sixteenth class.

12. During the period of September 15 to April 15 of the following year the parties to the above entitled cause in Wasatch and Summit Counties and each of them are entitled only to the use of such portion of the amounts heretofore specified as their necessities may require, not to exceed one second foot for each seventy acres.

13. That to control and distribute the waters of Provo River and to insure the full measure of service from the waters of said river to all the parties to the above entitled cause the water Commissioner shall have reasonable discretion, but such authority shall not interfere with the rights specified in the first to sixteenth classes, inclusive, as hereinbefore stated.

14. That whenever the water flowing in said river and the canals of the parties heretofore stated exceeds in volume the aggregate of the quantities hereinbefore specified as belonging to the parties above named, the said parties and each of them are entitled in proportion to their respective quantities before specified, of such excess in any and all irrigation seasons from May 1 to August 10, (except as provided in section 33 herein,) to an amount which when added to the quantities hereinbefore specified will amount to one second foot for forty acres of such specified land; and when the volume of flow is insufficient to supply one second foot for forty acres of such specified land, but is more than sufficient to supply the sixteen classes aforesaid, such amount is to be distributed to the said parties and each of them in proportion to the quantities heretofore designated, each of them receiving the same amount of water per acre of said specified land; that is, the duty shall range uniformly from forty acres to sixty acres per second foot of water.

The foregoing is denominated as the seventeenth class.

15. For the purpose of designation the following districts are numbered:

From and including the Stewart Ranch down to the Hailstone ranch is designated as the First District.

From the Hailstone ranch down to and including the Diversion at the Upper Midway dam is designated the Second District.

16. When the amount hereinbefore denominated as the seventeenth class is insufficient to supply the two districts above named, the full amount of said seventeenth class, and prior to June 25 of any year, the first district shall have the right to its full amount of said class against the second district.

17. That whenever the waters flowing in said river and the canals of the parties heretofore stated exceed in volume the aggregate of the quantities heretofore specified and all the parties to this stipulation are being supplied with amounts of water not less than the quantities found to be necessary for their beneficial uses, the commissioner may extend the time limit specified in paragraph 16.
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18. That whenever a party to this stipulation in Wasatch or Summit County, by mishap or accident to canal or ditch, or by conditions that cannot be controlled, is deprived of its quantity of water and is in danger of sustaining material loss, and for immediate use for a period of one rotation, needs a quantity of water greater than its proportion of the volume of flow, and such additional quantity can be given to such party without material injury to the other parties to this stipulation, then it shall be the duty of the water commissioner to supply said additional quantity from the waters in excess of the first to sixteenth classes, inclusive, before specified.

The water commissioner shall use due diligence and discretion to give the parties hereto the maintenance and development of the Provo River and shall use his discretionary authority to maintain and develop such river and to advance and maintain the crop production that is dependent upon said river.

19. That, except as specified in (a) and (b), paragraph 4. fixing the point of measurement where the flow of water in a canal is diminished by conditions that cannot be reasonably avoided, there shall be added to the amount sufficient water to make up such losses. In case the flow of a canal is increased, such increase shall be counted as a part of such respective quantities so as to give the parties at the head of the distributing laterals the quantities herein specified.

The quantity of loss or inflow provided for in this paragraph shall be determined by the water commissioner with the system in good working order and repair and in such condition as will reduce the losses to the lowest quantity practicable. Only the quantity of inflow that is available to the lands in the canal system as determined by the water commissioner shall be counted as a part of the quantity of inflow as herein specified. The allowable losses shall include only the actual, reasonable, unavoidable transmission loss, and no mechanical loss such as leaky gates, and shall extend only over a section of the canal that carries more than one irrigating stream continuously.

20. That the plaintiff and any of the defendants to the above entitled cause having the right to store in their own several reservoirs the waters of Provo River shall have the right to release the water so stored by them and commingle the same with the waters of Provo River and recapture the same at their several points of diversion, any loss in transmission to be determined by the decree to be entered herein.

21. That the plaintiff and the defendants in the above entitled cause, having reservoirs in Wasatch or Summit County, that appropriate and store water under applications approved by the State

Engineer of the State of Utah, have the right to store quantities of water in the high or flood water season that are in excess of the quantities herein awarded; said reservoirs are also entitled to store all the waters that can be stored in them between September 15 and April 15 of each and every year.

22. It is further stipulated and agreed that the parties hereto and the several corporations to the above entitled cause in Wasatch and Summit Counties that are above the upper Midway dam may at any time exchange ^{water} one with another when such exchange does not conflict with or impair the rights of the other parties to this stipulation.

23. It is further stipulated and agreed that whenever the quantity of water flowing in said river and in the canals of the parties entitled thereto is insufficient to supply the quantity of water herein specified to a class, then the persons and parties in said class entitled thereto as hereinbefore stated, shall have the same distributed to them pro-rata, according to the quantities to which they are entitled as hereinbefore stated.

24. It is further stipulated and agreed that the classes and parties herein named are entitled to the right to use the waters of said river in the order above named and no class or party in said class shall be entitled to the use of any such waters so long as the water flowing in said river and in said canal is insufficient to supply the preceding classes and parties herein with the quantity of water to which they are entitled as hereinbefore provided.

25. It is further stipulated and agreed that for the purpose of equitably dividing and distributing the waters of said river, so that the parties interested therein as herein provided may receive the quantity to which they are entitled, none of the parties hereto (diverting and using waters in Wasatch and Summit Counties) shall have the right to extend the use of the waters awarded to them upon other lands than those now irrigated so as to cause the seepage or drainage therefrom to be diverted away from the channel of said river or from the lands heretofore irrigated thereby.

26. That for the purpose of equitably dividing and distributing the waters of said river so that the parties hereto may receive for use the quantity to which they are entitled, all of the waters of said river and canals shall be measured in such a way as to include, as far as practicable, all the seepage water and inflow waters, so that the same may be distributed among the parties entitled thereto as a part and portion of the waters of said river.

27. It is further stipulated and agreed that all persons and corporations, parties to this stipulation, respectively construct or cause to be constructed at their own expense and under the direction and supervision of the water commissioner appointed by the court proper appliances for the diversion and accurate measurement of the waters awarded to them, respectively; and thereafter shall maintain and keep in place all dams, head-gates, flumes, canals and other means by which water is diverted, conveyed or used, in a good state of repair, together with appliances for the diversion and measurement of said water; to the end that no unnecessary loss from seepage or leakage shall occur, and that the water shall be economically applied to the use for which it is awarded.

28. It is further stipulated and agreed that all the rights fixed, declared and decreed shall be founded upon appropriation of water necessary for some beneficial use and that all rights fixed, declared and decreed shall be subject in their exercise to the conditions that they are required and necessary for some beneficial use, and that all rights are subject to the limitations and conditions that all of such water is used for some beneficial purpose and is used economically, without waste, with due care, and is reasonably and fairly necessary for such use.

29. It is further stipulated and agreed that each of the parties to this stipulation and his successors and assigns, and they and each of their agents, servants and employees and all persons acting for them or in their interest, shall be forever enjoined and restrained from in any manner or at all interfering one with the other in the full, free and unrestricted use of the quantity of the waters of said river awarded to them; and from in any manner or at all interfering with the distribution of said water by the commissioner appointed by the court.

30. It is further stipulated and agreed that the court shall retain original jurisdiction of this cause and the subject matter thereof, and of the parties thereto, their successors and assigns for the purpose of all necessary supplementary orders and decrees which may be required to make effectual the rights the court may award by its decree therein.

31. It is further stipulated and agreed that any party to this stipulation who is dissatisfied with any of the regulations, requirements, discretionary acts of control of the distribution, or orders of the commissioner, may appeal to the court for review and relief.

32. It is stipulated that Isaac R. Baum shall have the right to change the point of diversion of the ten acres water right which was decreed in said Fulton decree to W. H. Walker from the farm formerly owned by said W. H. Walker to the farm now owned by said Isaac R. Baum, with a loss of three-tenths thereof.

33. It is understood and agreed by all the parties to this action that the rights of the parties diverting or storing the waters of Provo River at and above the Midway upper dam shall be as provided in this stipulation, or as proven at the trial. It is not intended by this stipulation to stipulate and agree as to the respective rights which the parties diverting water below the Midway upper dam may have as between themselves to the waters of Provo River diverted below the Midway upper dam.

Provided however, that if between April 15th and May 15th of any year it becomes necessary in order to supply the parties to this action using water below the Midway upper dam with the quantities of water to which they are respectively entitled under the decree in this case and the plaintiff with one second foot of water for each seventy acres of land which it is entitled to irrigate under its appropriations of water, then said parties using water above said Midway upper dam shall be limited to a duty of one second foot of water for each sixty acres of land, but such limitation shall not extend beyond May 15th in each year.

34. It is further stipulated and provided that the Sage Brush Irrigation Company, Spring Creek Ditch Irrigation Company and the Charleston Irrigation Company (through its upper canal) shall not be entitled to more than one second foot of water for sixty acres from July 5th to September 15th of each year.

35. It is further stipulated and agreed that the areas of land not heretofore specified in this stipulation entitled to water are as follows, to-wit:

Wasatch Irrigation Company, 2500 acres in first class.
North Field Irrigation Company, 2500 acres in first class.
Charleston Irrigation Company,
through its upper canal,..... 720 acres in first class, and
100 acres in sixteenth class.
Timpanogus Irrigation Company, 1000 acres in sixteenth class.
Provided, that said 1000 acres shall not be entitled to water
except as the said land is brought under cultivation.
South Kamas Irrigation Company, 1050 acres in first class;
650 acres in second class.
Washington Irrigation Company, 1262 acres in fifth class.
Sunrise Irrigation Company, 240 acres in first class, and
144 acres in eleventh class.

That all areas of land not herein specifically stated,
which may not be settled by stipulation hereafter, shall be deter-
mined in the trial of this cause at Provo".

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That the following amendments were duly made to the said
stipulation:

- (a) Paragraph 9, amended by striking out subdivision D, to
avoid duplication.
- (b) Paragraph 9, subdivision A, amended to read as follows:
The Stewart Ranch Company sixteen and two-thirds second feet for the
irrigation of one thousand acres of land.
- (c) Section 34 of said stipulation shall be amended to read as
follows: It is further stipulated and provided that the Sage Brush
Irrigation Company and the Spring Creek Ditch Irrigation Company
shall not be entitled to more than one second foot of water for each
fifty acres of land from July 5th to September 15th of each year,
said waters to be measured at the measuring weir of said companies'
canals now located west of the Rio Grande Western Depot at Heber
City, Utah; and that the Charleston Irrigation Company through its
upper canal, shall be entitled to a duty of one second foot of water
for sixty acres of land measured at the lands from July 5th to
September 15th of each year, and

Provided further, that said three companies', to-wit:
Spring Creek Ditch Company, Sage Brush Irrigation Company and Char-
leston Irrigation Company, through its upper canal, shall have said
duties at all times when available as against plaintiff; and that
the said companies' shall at all times have a quantity of water not
less per acre than that distributed to any user in Summit or Wasatch
Counties under this decree, exclusive of any stored or reservoir
waters.

That, from the foregoing stipulation as amended, and from the evidence and stipulation entered into regarding the area of lands irrigated by the several defendants and their predecessors in interest in the First and Second Districts of the Wasatch Division, the parties hereinafter named are the owners of the right to the use of the flowing waters of Provo River and its tributaries, for irrigation, domestic and municipal use and for the generation of power, together with the number of acres of land of such appropriators, and the quantities of water put to beneficial use by each of said parties is as follows:

N-A-M-E.	Class.	Acres.	<div> <div> April 15th to Sept. 15th </div> <div> Sept. 15th to April 15th </div> <div> May 1st to Aug., 10th </div> </div>			
			Second Feet.	Second Feet.	Second Feet.	Second Feet.
(a) Wasatch Irriga- tion Company,	1st 17th	2500	41.667	35.714		20.833
(b) North Field Irrigation Company,	1st 11th 17th	2500	35.714 5.953	35.714		20.833
(c) Timpanogus Irrigation Company,	14th 16th 17th	2000 1000	33.333 16.667	28.571 14.286		25.000
(d) South Kamas Irrigation Company,	1st 2nd 17th	1050 650	17.500 10.833	15.000 9.286		14.167
(e) Washington Irrigation Company,	5th 17th	1262	21.033	18.028		10.817
(f) Sunrise Irriga- tion Company,	1st 11th 17th	240 144	4.000 2.400	3.428 2.057		3.200
(g) Stewart Ranch Company, and as successor to J.D. Jones, R.L. Jones, John Jones, Emil Sackerson, Carl H. Wilkins, and William Paul,	1st 2nd 3rd 5th 6th 7th 8th 11th 14th 17th	70 25 50 63 37 18 6 1000	1.000 .357 .833 1.000 .529 .257 .086 .414 16.667	1.000 .357 .714 .900 .529 .257 .086		10.989
(h) Extension Irri- gation Company,	14th 17th	800	13.333	11.429		6.667
(i) Utah Power & Light Company, as successor to William H. Walker Jr.,	1st 11th 17th	20	.286 .047	.286		.167

That, from the foregoing stipulation as amended, and from the evidence and stipulation entered into regarding the area of lands irrigated by the several defendants and their predecessors in interest in the First and Second Districts of the Wasatch Division, the parties hereinafter named are the owners of the right to the use of the flowing waters of Provo River and its tributaries, for irrigation, domestic and municipal use and for the generation of power, together with the number of acres of land of such appropriators, and the quantities of water put to beneficial use by each of said parties is as follows:

				April 15th to Sept. 15th	Sept. 15th to April 15th	May 1st to Aug., 10th
N-A-M-E.	Class.	Acres.	Second Feet.	Second Feet.	Second Feet.	Second Feet.
(a) Wasatch Irriga- tion Company,	1st 17th	2500	41.667	35.714		20.833
(b) North Field Irrigation Company,	1st 11th 17th	2500	35.714 5.953	35.714		20.833
(c) Timpanogus Irrigation Company,	14th 16th 17th	2000 1000	33.333 16.667	28.571 14.286		25.000
(d) South Kamas Irrigation Company,	1st 2nd 17th	1050 650	17.500 10.833	15.000 9.286		14.167
(e) Washington Irrigation Company,	5th 17th	1262	21.033	18.028		10.817
(f) Sunrise Irriga- tion Company,	1st 11th 17th	240 144	4.000 2.400	3.428 2.057		3.200
(g) Stewart Ranch Company, and as successor to J.D. Jones, R.L. Jones, John Jones, Emil Sackerson, Carl H. Wilkins, and William Paul,	1st 2nd 3rd 5th 6th 7th 8th 11th 14th 17th	70 25 50 63 37 18 6 1000	1.000 .357 .833 1.000 .529 .257 .086 .414 16.667	1.000 .357 .714 .900 .529 .257 .086 14.286		10.989
(h) Extension Irri- gation Company,	14th 17th	800	13.333	11.429		6.667
(i) Utah Power & Light Company, as successor to William H. Walker Jr.,	1st 11th 17th	20	.286 .047	.286		.167

				April 15th to Sept. 15th	Sept. 15th to April 15th	May 1st to Aug., 10th
N-A-M-E	Class.	acres.	Second Feet.	Second Feet.	Second Feet.	Second Feet.
(j) Isaac R. Baum, and as succes- sor to W. H. Walker,	1st 11th 17th	122	1.743 .290	1.743		1.017
(k) R. W. Barnes, successor to George O. Ellis,	1st 17th	70	1.167	1.000		.583
(l) Jack Bates,	1st 3rd 5th 11th 17th	15 15 25	.214 .214 .357 .132	.214 .214 .357		.458
(m) John E. Berg, as the success- or in interest and substituted for Julia M. Davis	1st 11th 16th 17th	21 29	.300 .050 .483	.300 .414		.417
(n) Christy Bisel, successor to Robert Mitchie,	1st 17th	2	.033	.029		.017
(o) Henry Bisel,	1st 17th	1	.017	.014		.008
(p) John D. F. Bradshaw, suc- cessor to Isaac Hunter,	1st 17th	35	.583	.500		.292
(q) Barbara Buttry, successor in interest to John Buttry,	1st 4th 10th 11th 17th	14 16 11	.200 .229 .157 .097	.200 .229 .157		.342
(r) Mary A. White administratrix of the estate of Thomas White deceased,	1st 17th	40	.667	.571		.333
(s) Mary Davis,	1st 11th 17th	50	.714 .119	.714		.417
(t) James Duncan,	1st 17th	25	.417	.357		.208
(u) Phillip L. Ford, to be taken from river at Upper Midway Dam,	1st 17th	60	1.000	.857		.500

				April 15th to Sept. 15th	Sept. 15th to April 15th	May 1st to Aug., 10th	
N-A-M-E,	Class,	Acres,	Second Feet,	Second Feet,	Second Feet,	Second Feet,	
(v) Riley Fitzgerald and as successor to George O. Ellis,	1st 17th	46 80	.767 1.333	.657 1.143		.383 .667	From Provo River. From Bridge Hollow
(w) Cristeen Frau- ghton, adminis- tratrix of the estate of Henry Fraughton, dec- eased, and suc- cessor to Marshall Leffler,	1st 2nd 17th	1.25 15.75	.021 .262	.018 .225		.142	
(x) Samuel Gines Sr.	1st 17th	57	.950	.814		.475	
(y) Ellen Gines, suc- cessor to Samuel Gines Sr.,	1st 17th	40	.667	.571		.333	
(z) Samuel Gines Jr. successor to G.O. Ellis, and Samuel Gines Sr.	1st 17th	36	.600	.514		.300	
(aa) Charles L. Gines, sued as Lyman Gines. successor to J. M. Reed, T.L. Larsen, and William Reed,	1st 17th	80	1.333	1.143		.667	
(ab) Abram Gines, successor to M.O. Turnbow,	1st 17th	10	.137	.143		.083	
(ac) Edwin Hatch and Vernmont Hatch, as successor in interest to Abram Hatch sub- stituted for Ruth Hatch and Abram C. Hatch, administrators of the estate of Abram Hatch, deceased.	1st 6th 11th 16th 17th	55 20 90	.786 .286 .178 1.500	.786 .286 1.286		1.375	
(ad) George R. Hard- man, successor to Robert Mitchie,	1st 17th	12	.200	.171		.100	

				April 15th to Sept. 15th	Sept. 15th to April 15th	May 1st to Aug., 10th	
N-A-M-E,	Class,	Acres,	Second Feet,	Second Feet,	Second Feet,	Second Feet,	
(ae) Ernest H. Harton, 1st successor to 17th John Benson,		40	.667	.571		.333	
(af) John A. Johns- 1st ton, to be taken 17th from river at Midway Upper Dam,		90	1.500	1.286		.750	
(ag) George B. Jordan, 1st 3rd 11th 16th 17th		35 30 25	.500 .429 .154 .417	.500 429 .357		.750	
(ah) James A. Knight, 1st and as success- or to Henry 17th Fraughton and J. J. Jenkins, 1st 17th		150 120	2.143 1.714	2.143 1.714) From) Provo 1.607) River) From) Bridge 1.286) Hollow
(ai) William Lemon, 1st successor to 17th John O. Driscoll,		40	.667	.571		.333	
(aj) Ola W. Larsen, 1st successor to 5th Joseph Ketchum, 17th		60 38	1.000 .633	.857 .543		.817	
(ak) Rasmus Larsen, 1st successor to 5th Daniel Simpser, 17th		60 140	1.000 2.333	.857 2.000		1.667	
(al) William Lewis, 1st successor to 17th T.A. White and E.B. Leffler Jr.,		21	.350	.300		.175	
(am) Minns Lark, as 1st administrator 17th of the estate of William Lark, deceased.		40	.667	.571		.333	
(an) Abram Leffler 1st sued as Abo 17th Leffler,		5	.083	.071		.042	
(ao) John Leffler, 1st and as success- 17th or to E. B. Leffler,		11.25	.188	.161		.093	

				April 15th to Sept. 15th	Sept. 15th to April 15th	May 1st to Aug. 10th
N-A-M-E,	Class,	Acres,	Second Feet,	Second Feet,	Second Feet,	Second Feet.
(ap) James Leffler, successor to T. P. Potts,	1st 17th	3	.050	.043		.025
(aq) Marshall Leffler, successor to Henry Bisel, and Woodland School District,	1st 17th	3	.050	.043		.025
(ar) Martha E. McNeill, suc- cessor to Charles Murphy, William Reed, and Robert Mitchie,	1st 5th 17th	23 13	.383 .217	.329 .186		.300
(as) Joseph Morris,	1st 9th 11th 17th	130 45	1.857 .643 .417	1.857 .643		1.458
(at) Nephi Moon,	1st 17th	4	.067	.057		.033
(au) William Moon,	1st 17th	7	.117	.100		.058
(av) Heber Moon,	1st 17th	.43	.007	.006		.003
(aw) Hyrum Moon,	1st 17th	7	.117	.100		.058
(ax) Levi M. North, successor to ED. Dillon,	1st 11th 17th	35	.500 .083	.500		.292
(ay) Hattie J. Pres- cott Page,	1st 17th	10	.167	.143		.083
(az) Mary E. Page, successor to Thomas P. Potts,	1st 17th	35	.583	.500		.292
(ba) Fred A. Peter- son, successor to Eldors Rose and P.F. Bowers,	1st 17th	21	.350	.300		.175
(bb) S.A. Peterson,	1st 17th	20	.333	.286		.167
(bc) Ernest J. Pres- cott,	1st 17th	10	.167	.143		.083
(bd) William L. Pres- cott,	1st 17th	25	.417	.357		.208

				April 15th to Sept. 15th	Sept. 15th to April 15th	May 1st to Aug. 10th	1st to 10th
N-A-M-E,	Class,	Acres,	Second Feet,	Second Feet,	Second Feet,	Second Feet,	Second Feet.
(be) Julia Potts, successor to John M. Reed,	1st 17th	3	.050	.043		.025	
(bf) James Prescott, successor to W. R. Smith,	1st 17th	10	.167	.143		.083	
(bg) Charles H. Rampton, sub- stituted for Harold C. Best successor to John Swift,	1st 11th 14th 16th 17th	20 40 40	.286 .047 .667 .667	.286 .571 .571		.833	
(bh) John Swift,	1st 17th	5	.083	.071		.042	
(bi) Benjamin Turnbow, suc- cessor to Mary A. Moon,	1st 17th	1	.017	.014		.008	
(bj) Frank Turnbow, successor to William Reed, <i>Moon</i>	1st 17th	1	.017	.014		.008	
(bk) Milton O. Turnbow,	1st 17th	11.25	.188	.161		.093	
(bl) Ether Webb, successor to Daniel Mitchell,	1st 17th	50	.833	.714		.417	
(bm) Mary Ann Moon White, suc- cessor to Mary A. Moon,	1st 17th	34.5	.575	.493		.287	
(bn) Mary A. White,	1st 17th	4.67	.077	.067		.039	

	Sept. 15th	April 15th	July 5th	May 1st
	to	to	to	to
	April 15th	July 5th	Sept. 15th	Aug., 10th
NAME, CLASS, Acres,	Second Feet,	Second Feet,	Second Feet,	Second Feet

(bo) Spring 1st 720 10.236 12.00 14.400 6.000
 Creek 17th
 Irrigation
 Company,

And that in the period of July 5th, to September 15th, said waters to be measured as provided in paragraph 102, subdivision (c), and that no additional quantity shall be allowed for losses in canal.

(bp) Sage 12th 500 7.143 8.333 10.00 4.167
 Brush 17th
 Irrigation
 Company,

And that in the period of July 5th, to September 15th, said waters to be measured as provided in paragraph 102, subdivision (c), and that no additional quantity shall be allowed for losses in canal.

(bq) Charles-1st 720 10.286 12.000 12.00
 ton Irri-16th 1.429 1.667 1.667
 gation 17th
 Company
 through
 its Upper Canal,

Said Charleston Irrigation Company shall have, and it is hereby granted the right to change its point of diversion for its upper canal to a point on the Provo River above the lower Midway dam. Said change shall not effect the established rights of other persons to the use of water on the Provo River.

(br) Midway Irrigation Company, and

William Bonner;
 John U. Buhler;
 Henry T. Coleman;
 David A. Gibson;
 Nephi Huber;
 Jacob Kummer;
 Felix Martin;
 David McGimpsey;
 Frederick Remund;
 George Schear;
 Henry Watkins;
 Henry Zenger;

Andreas Bruggener;
 Gottlieb Buhler;
 Frederick Ferror;
 Joseph Huber;
 George A. Huntington;
 Orson P. Mathews;
 Thomas Monks;
 John U. Probst;
 Polly W. Schear;
 William L. Van Wagoner;
 J. Brigham Wilson;

Henry T. Coleman, administrator of the estate of Nathan Springer, deceased;

Heber Mercantile Company, a corporation;

James Hamilton, administrator of the estate of James B. Hamilton, deceased;

James A. Hamilton, William Hamilton, Ella Hamilton Snyder; Jennie Hamilton Summers, Lovica Hamilton Snyder, Mary Hamilton Chambers, Maggie Hamilton Campbell, Theodore Hamilton, and David Hamilton, successors in interest to the estate of James B. Hamilton, deceased;

Rosina Kummer, Edward Kummer, Elizabeth Hamilton, and Salina Foreman, successors in interest of John Kummer, deceased;

Emma Kummer Pond, administratrix of the estate of John Kummer, deceased;

add
par-

(IX) First Class; Two and one-half second feet of the waters of Provo River to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (VII) and (VIII), aforesaid, will aggregate 51.21 second feet, that is a quantity not to exceed one second foot per 70 acres of said land.

(X) Thirteenth Class; 12.17 second feet of the waters of Provo River to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (VII), (VIII) and (IX), aforesaid, will aggregate 51.21 second feet, for the purpose and for the lands above stated.

(XI) Fifteenth Class; Twenty second feet of the waters of Provo River to be diverted at the Midway Upper Dam, or such portion thereof, which when added to (VII), (VIII), (IX), and (X), aforesaid, will aggregate 51.21 second feet, for the purposes and for the lands above stated.

(bs) The Midway Waterworks Company:

First Class; Two second feet of the waters of "Gerber Spring", a tributary of Snake Creek which is a tributary to Provo River, situate in the southeast quarter section 21, township 3 south, range 4 east, Salt Lake Base and Meridian, for domestic and municipal uses and for other beneficial purposes.

(bt) Thomas Lowery, and Samuel Lowery, successors to B. A. Norris:

From April 15th to September 15th,

First Class; 0.214 second foot from Provo River, and of the waters of Norris Spring arising upon and adjacent to their land, situated in section 6, township 3 south, range 5 east, Salt Lake Base and Meridian, to aggregate 0.850 second foot, for the irrigation of 59.5 acres of land.

From May 1st to August 10th,

Seventeenth Class; 0.638 second foot, for the irrigation of said land.

From September 15th to April 15th,

First Class; 0.214 second foot from Provo River, and of the waters of Norris Spring, arising upon and adjacent to their land, situated in section 6, township 3 south, range 5 east, Salt Lake Base and Meridian, to aggregate 0.85 second foot for the irrigation of 59.5 acres of said land.

Amended

W A S A T C H D I V I S I O N .

Third District.

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That the defendants in the Third District of the Wasatch Division are entitled to the use of certain waters of the Provo River and its tributaries, springs, seepage and percolating waters, and which are necessary for the purposes of the generation of power, domestic and culinary use and for the irrigation of lands, and which rights are set out and agreed to between plaintiff and the said defendants in stipulations filed and entered;

That from said stipulations and the evidence the parties in the Third District of the Wasatch Division, are entitled as follows:

- (a) The waters for domestic and culinary uses, and the waters for irrigation purposes to a duty of one second foot of water per sixty acres of land, are herein denominated the First Class; and
- (b) That whenever, between May 1st and August 10th of any year, the waters flowing in said river and the canals in the Provo Division, exceeds in volume the aggregate quantity to which the defendants in the Provo Division are entitled, as hereinbefore stated, and the plaintiff is supplied with one second foot of water per seventy acres of land, the said defendants in the Third District of the Wasatch Division are entitled of such excess, in addition to the First Class, aforesaid, set out in (a) above, to a quantity equal to and commensurate with the Seventeenth Class of the Second District of the Wasatch Division, and the same is herein denominated the Seventeenth Class;

And that the defendants in the Third District of the Wasatch Division are entitled to the right to the use of said waters for the purposes and for the service of the acreage as follows:

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Through the Phil Smith Ditch.

- (a) Frederick Remund: 8.00 Acres.

In the S.W. 1/4 section 24, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class ----- .133 second foot.
17th " ----- .067 " " "

(b) Phillip L. Ford, 45.00 Acres.

In the S. 1/2 of section 24, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.750	second foot.
17th "-----	.375	" "

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Through the Phil Smith Slough.

(a) Frederick Remund, 18.00 Acres.

In the S. W. 1/4 section 24, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.300	second foot.
17th "-----	.015	" "
	.150	

(b) Joseph Abegglen, 5.00 Acres.

In the N.W. 1/4 section 25, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.083	second foot.
17th "-----	.042	" "

(c) Anna Elizabeth Abegglen, as
successor to Ulric Abegglen;

4.00 Acres.

In the N.W. 1/4 section 25, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.067	second foot.
17th "-----	.033	" "

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Through the Abegglen Ditch.

Joseph Abegglen, 10.00 Acres.

In the N.W. 1/4 section 25, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.167	second foot.
17th "-----	.083	" "

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Through the Mitchell Ditch.

(a) J. E. Peterson, 8.00 Acres.

In the S.W. 1/4 section 25, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.133	second foot.
17th "-----	.067	" "

(b) Chris Mitchell,

40.00 Acres.

In the N.W. 1/4 section 25, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.667	second	foot.
17th "-----	.333	"	"

(c) Felix Martin,

30.00 Acres.

In the S.W. 1/4 section 25, and the S.W. 1/4
section 26, township 3 south, range 4 east,
Salt Lake Meridian.

1st Class-----	.500	second	foot.
17th "-----	.250	"	"

(d) John H. Buhler,

15.00 Acres.

In the S.W. 1/4 section 25, township 3 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.250	second	foot.
17th "-----	.125	"	"

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Through the Nelson Ditch.

(a) Jesse Nelson,

23.00 Acres.

In the N.W. 1/4 section 1, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.383	second	foot.
17th "-----	.192	"	"

(b) Jesse Nelson Jr.,

20.00 Acres.

In the S.E. 1/4 section 2, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.333	second	foot.
17th "-----	.167	"	"

(c) George Nelson,

20.00 Acres.

In the S.E. 1/4 section 2, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.333	second	foot.
17th "-----	.167	"	"

(d) Alfred L. Alder, W. W. Alder,
and James T. Alder; jointly:

20.50 Acres.

In the S.E. 1/4 section 2, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.342	second	foot.
17th "-----	.170	"	"

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Through the River Slough.

Alonzo A. Hicken, 10.89 Acres.

In the S.E. 1/4 section 2, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.181	second	feet.
17th "-----	.091	"	"

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Drainage, seepage and spring water
that arises on lands adjacent to
and above described tract of land.

Ermina C. Cummings, Lavina E. Murdock, William T. Averett,
Addison Averett, Joseph D. Averett, John Averett, Edna A.
Murdock, Leona Bonner and Eustachia Averett, heirs at law of
William Averett, deceased, successors to the interest of said
William Averett, deceased, jointly and undivided:

10.20 Acres.

In the S.E. 1/4 section 2, and N.E. 1/4
section 11, township 4 south, range 4 east,
Salt Lake Meridian.

1st Class-----	.170	second	foot.
17th "-----	.085	"	"

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Through Charleston-Midway
Spring Creek Ditch.

(a) Hyrum S. Winterton, 12.5 Acres.

In the N.E. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.208	second	foot.
17th "-----	.104	"	"

(b) Joseph E. Hanks, administrator of the estate of Mrs. E. L.
Hanks, deceased,

5.85 Acres.

In the S.E. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.098	second	foot.
17th "-----	.048	"	"

(c) William Winterton, 3.75 Acres.

In the S.W. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.062	second	foot.
17th "-----	.032	"	"

- (d) John W. Stubbs, successor to the interests of
John Powers, deceased,
5.00 Acres.

In the S.E. 1/4 section 10, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.083	second foot.
17th "-----	.042	" "

- (e) George H. Edwards, 27.00 Acres.

In the S. 1/2 of section 10, and N.E. 1/4
section 15t, township 4 south, range 4 east,
Salt Lake Meridian.

1st Class-----	.450	second foot.
17th "-----	.225	" "

- (f) Joseph S. Wright, 15.00 Acres.

In the S.E. 1/4 section 10, and S.W. 1/4
section 11, township 4 south, range 4 east,
Salt Lake Meridian.

1st Class-----	.250	second foot.
17th "-----	.125	" "

- (g) E. L. Brown, 10.00 Acres.

In the S.E. 1/4 section 10, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.167	second foot.
17th "-----	.083	" "

- (h) Ellen C. Wright, 28.00 Acres.

In the S.E. 1/4 section 10, and S.W. 1/4
section 11, township 4 south, range 4 east,
Salt Lake Meridian.

1st Class-----	.467	second foot.
17th "-----	.233	" "

- (i) Dermont Huffacker, administrator of the estate of D. S.
Huffacker, deceased,
15.00 Acres.

In the S.E. 1/4 section 10, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.250	second foot.
17th "-----	.125	" "

- (j) W. D. Wright, 22.50 Acres.

In the S.E. 1/4 section 10, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.375	second foot.
17th "-----	.187	" "

(k) Hyrum Winterton, 9.00 Acres.

In the S.W. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.150	second foot.
17th "-----	.075	" "

(l) Thomas Winterton, 18.00 Acres.

In the S.E. 1/4 section 10, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.300	second foot.
17th "-----	.150	" "

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Through Meaks Bottom Slough.

William H. Winterton, 17.75 Acres.

In the N.E. 1/4, and N.W. 1/4 section 11,
township 4 south, range 4 east, Salt Lake
Meridian.

1st Class-----	.296	second foot.
17th "-----	.148	" "

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Through a Slough from Provo River.

William N. Casper, 15.00 Acres.

In the S.W. 1/4 section 1, and S.E. 1/4
section 2, township 4 south, range 4 east,
Salt Lake Meridian.

1st Class-----	.250	second foot.
17th "-----	.125	" "

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From "Upper Springs", and through
Charleston Lower Canal, that issue
on described land and are now inter-
cepted by said Canal.

William Winterton, 5.50 Acres.

In the S.W. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.092	second foot.
17th "-----	.046	" "

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From "Second Group of Springs", that
issue on described land and below the
Charleston Lower Canal. Also the right
to the use of said water for two Fish
Ponds located on said land, for the pur-
poses of Fish Culture.

William Winterton, 17.58 Acres.

In the S.W. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.293	second foot.
17th "-----	.147	" "

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From "Third Group of Springs", that issue
on said described land and below the
Charleston Lower Canal. Also the right
to the use of said water for two Fish Ponds
located on described land, for the purposes
of Fish Culture.

William H. Winterton: 9 Acres.

In the S.W. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.150	second foot.
17th "-----	.075	" "

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From Springs and conveyed through the River
ditch.

- (a) John W. Stubbs, successor to the interests of the estate of
John Powers, deceased.

8.50 Acres.

In the N.E. 1/4 section 15, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.142	second foot.
17th "-----	.071	" "

- (b) F.W. Edwards: 3.50 Acres.

In the N.E. 1/4 section 15, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.058	second foot.
17th "-----	.029	" "

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From the Brown Slough.

John W. Stubbs; successor to the interests of the estate of
John Powers, Deceased.

2.50 Acres.

In the N.E. 1/4 section 15, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class-----	.042	second foot.
17th "-----	.020	" "

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From Springer and Tate Springs.

P.W. Edwards:

2.70 Acres.

In the N.E. 1/4 section 15, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class	-----	.045	second foot.
17th "	-----	.023	" "

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Of waters of Bonner Slough and Soldier Hollow.

(a) P.W. Edwards:

27.20 Acres.

In the N.E. 1/4 section 15, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class	-----	.453	second foot.
17th "	-----	.227	" "

(b) George H. Edwards:

10 Acres.

In the N.E. 1/4 section 15, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class	-----	.167	second foot.
17th "	-----	.083	" "

(c) W.D. Wright:

28 Acres.

In the south half of section 10, township 4
south, range 4 east, Salt Lake Meridian.

1st Class	-----	.467	second foot.
17th "	-----	.233	" "

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Of drainage, seepage and spring water from
the North Drain Ditch.

George H. Edwards:

5 Acres.

In the N.E. 1/4 section 15, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class	-----	.083	second foot.
17th "	-----	.042	" "

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Of the waters of Wootten Springs.

John W. Stubbs, successor to the interests of the estate of
John Powers, deceased:

2.91 Acres.

In the N.E. 1/4 section 10, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class	-----	.048	second foot.
17th "	-----	.024	" "

Of the waters of Tate Upper Springs.

George H. Edwards: 14 Acres.

In the east half of section 10, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.233	second foot.
17th "	-----	.117	" " "

Of the waters of Powers Springs.

(a) John W. Stubbs, successor to the interests of the estate of John Fowers, deceased:

28 Acres.

In the N.E. 1/4 section 15, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.467	second foot.
17th "	-----	.233	" " "

(b) P.W. Edwards:

56 acres.

In the North half section 15, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.933	second foot.
17th "	-----	.467	" " "

(c) Earl Stringfellow; successor to the interests of John O. Edwards

10 Acres.

In the N.E. 1/4 section 15, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.167	second foot.
17th "	-----	.083	" " "

of the waters from W.D. Wright Springs.

(a) Earl Stringfellow, successor to the interests of John O. Edwards.

18.13 Acres.

In the N.E. 1/4 section 15, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.302	second foot.
17th "	-----	.151	" " "

(b) Joseph S. Wright, successor to the interests of Joseph R. Murdock.

23.22 Acres.

In the south half section 15, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.387	second foot.
17th "	-----	.193	" " "

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Through a slough from Provo River.

George R. Carlile; 20 Acres.

On West side of said River, in the N.E. 1/4
section 11, township 4 south, range 4 east,
Salt Lake Meridian.

1st Class	-----	.333	second foot.
17th "	-----	.167	" "

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From springs arising near said lands.

George R. Carlile: 10 Acres.

On the east side of said river, in the N.E. 1/4
section 11, township 4 south, range 4 east,
Salt Lake Meridian.

1st Class	-----	.167	second foot.
17th "	-----	.083	" "

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From Provo River through the Hicken Slough.

James Casper; 20 Acres.

In the N.E. 1/4 section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class	-----	.333	second foot.
17th "	-----	.167	" "

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From Provo River through Jack Watkins Slough.

J.M. Casper: 18 Acres.

In the north half section 11, township 4 south,
range 4 east, Salt Lake Meridian.

1st Class	-----	.300	second foot.
17th "	-----	.150	" "

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John M. Richie: 90 Acres.

In the west half section 33, township 4 south,
range 4 east, Salt Lake Meridian, Through two
sloughs from Provo River, one heading near the
north line of said land, the other near the
center of said land.

1st Class	-----	1.500	second foot.
17th "	-----	.750	" "

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Joseph Hatch:

28 Acres.

In the N.E. 1/4 section 1, township 4 south, range 4 east, Salt Lake Meridian.

Of drainage, seepage, and spring water, that arises on lands adjacent to and above said described land.

1st Class	-----	.467	second foot.
17th "	-----	.233	" " "

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Through Webster Spring Ditch and a slough from Provo River.

Elisha Webster:

10 Acres.

In section 11, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.167	second foot.
17th "	-----	.083	" " "

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From Creamery Spring.

(a) William Daybell:

28 Acres.

On lands on what is known as the Island, in the S.W. 1/4 section 22, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.467	second foot.
17th "	-----	.233	" " "

(b) George H. Edwards:

17 Acres.

On lands on what is known as the Island, in the S.W. 1/4 section 22, township 4 south, range 4 east, Salt Lake Meridian.

1st Class	-----	.283	second foot.
17th "	-----	.142	" " "

I S L A N D D I T C H .

	N-A-M-E	Class.	Acres.	Second Feet.
(a)	Midway Irrigation Company:	1st 17th	1.86	3.100 1.550
(b)	Alfred L. Alder:	1st 17th	4	.067 .033
(c)	Jesse Nelson:	1st 17th	32	.533 .267
(d)	William L. VanWagoner, and John VanWagoner Jr;	1st 17th	10	.167 .083
(e)	William Winterton;	1st 17th	8.90	.148 .074
(f)	John Murri;	1st 17th	15	.250 .125
(g)	Hyrum S. Winterton, T. Fred Winterton; and Moroni Winterton;	1st 17th	30	.500 .250
(h)	E. R. Bronson:	1st 17th	15	.250 .125
(i)	Joseph S. Wright:	1st 17th	10	.167 .083
(j)	William Bonner:	1st 17th	6	.100 .050
(k)	James Pyper:	1st 17th	5	.083 .042
(l)	Henry Zenger:	1st 17th	5	.083 .042
(m)	James A. Hamilton, William Hamilton, Ella Hamilton Snyder, Jennie Hamilton Summers, Lovica Hamilton Snyder, Mary Hamilton Chambers, Theodore Hamilton, and David Hamilton, duly substituted for James B. Hamilton, deceased; Jointly and undivided	1st 17th	5	.083 .042

Daybell Springs.

April 1st to November 1st.

	Through Upper Ditch:	Class	Acres.	Second Feet.
(a)	George H. Edwards, and as successor to George Daybell & Sons.	1st	23	.387
(b)	John M. Richie;	1st	30	.505
(c)	Harry F. Watson:	1st	60	1.010
	Through Lower Ditch:			
(d)	George H. Edwards, and as successor to George Daybell & Sons:	1st	65	1.093
(e)	John M. Richie	1st	30	.505

McAffee Springs.

First Class.

J.W. Allen: (a) Of the waters of said springs during the entire year to supply his requirements for domestic, culinary and stockwatering purposes at his home yard and corral situated about thirty yards easterly from said springs.

(b) Subject to the foregoing right, from May 1st to October 15th, of all of the flowing waters of said springs for one-sixth of the time for the irrigation of five acres of land.

Wilford D. Wright:

Subject to the right of J.W. Allen as set out under (a) above, from May 1st to October 15th, of all of the flowing waters of said springs for five-sixths of the time for the irrigation of twenty-five acres of land in section 33, township 4 south, range 4 east, Salt Lake Meridian.

That, Hyrum S. Winterton, William VanWagoner and John VanWagoner Jr., are entitled to the use of all the waters, not exceeding one second foot, arising in the bed of Snake Creek, by springs and seepage, on the George Price Dam, in section 3, township 4 south, range 4 east, Salt Lake Meridian, for the irrigation of 20.5 acres of land owned by Hyrum S. Winterton and 9.7 acres of land owned by William VanWagoner and John VanWagoner Jr., in sections 2 and 11, township 4 south, range 4 east, Salt Lake Meridian, in Wasatch County.

Pioneer Irrigation Company:

Through two ditches, the upper of which diverts from Provo River at a point approximately 150 feet North and 850 feet west of the center of section 15, township 4 south, range 4 east Salt Lake Meridian; the lower of which diverts from Provo River at a point approximately 1600 feet north and 150 feet east of the southwest corner of section 22, township 4 south, range 4 east, Salt Lake Meridian.

455 Acres.

From April 15th to October 15th.

First Class ----- 7.583 second feet.

Murdock-Allen Ditch.

From April 15th to October 15th.

- (a) T.W.Allen: 52 Acres.
1st Class ----- .867 second foot.
- (b) John H.Murdock: 12 Acres.
1st Class ----- .200 second foot.

Allen-McAffee Ditches.

From April 15th to October 15th.

- (a) Samuel McAfee: 39 Acres.
1st Class ----- .650 second foot.
- (b) Arthur P.Allen 80 Acres.
1st Class ----- .333 second foot.
- (c) T.W.Allen: 46 Acres.
1st Class ----- .767 second foot.
- (d) John W.Allen: 75 Acres.
1st Class ----- 1.250 second feet.

That, Wilford VanWagonen is entitled to the use of two second feet of the waters of Deer Creek, to be measured at his land in sections 9 and 16, township 4 south, range 4 east, Salt Lake Meridian, for the irrigation of 120 acres of land.

That the Charleston Irrigation Company, through its lower canal, is entitled to nine second feet of water for the irrigation of 540 acres of land, delivered at the heads of the laterals of said canal, except in that lateral leading southward from Charleston to the lands irrigated and owned by J.M. Richie and Harry F. Watson, in sections 22 and 27, township 4 south, range 4 east, Salt Lake Meridian, in which said lateral the quantity of water herein awarded shall be delivered at the dividing line between said section 22 and 27.

That, Emma Wherritt, Joseph Hatch, Betsy Olsen, and Anton Olsen have rights for their lots in Heber City through the Wasatch canal, and the same were included in the Wasatch Irrigation Company, subdivision (a) paragraph 103, herein.

EIGHTEENTH AND NINETEENTH
CLASS RIGHTS.

That the defendants that appropriate water under applications approved by the State Engineer of the State of Utah, and that appropriate water under certificates of completion of appropriation issued by the said State Engineer, are herein after denominated, and the waters to which each of said parties are entitled is as follows:

That the plaintiff and the defendants in this cause having reservoirs in Wasatch and Summit Counties, that appropriate and store water under application approved by the State Engineer of the State of Utah, and that appropriate and store water under certificates of completion of appropriation issued by the said State Engineer, have the right and are entitled to store in said reservoirs all the water that can be stored in them between September 15th and April 15th of the succeeding year.

EIGHTEENTH CLASS RIGHTS.

Wasatch Irrigation Company;
Timpanogus Irrigation Company;

That the waters of the Wasatch Irrigation Company and the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, are herein denominated Eighteenth (18th) Class, and the quantities of water to which said parties are entitled is as follows:

(a) Wasatch Irrigation Company:

That the defendant the Wasatch Irrigation Company, as a successor in interest of the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water, is entitled to 7/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And, upon ~~and after the~~ completion of said appropriation, the said defendant is entitled to said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

(b) Timpanogus Irrigation Company:

That the defendant the Timpanogus Irrigation Company, under application to the State Engineer of the State of Utah, number 442, bearing date of August 22, 1905, for 8500 acre feet of water is entitled to 7/28 of said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And upon and after the completion of said appropriation, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

NINETEENTH CLASS RIGHT.

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Washington Irrigation Company:

That the waters under application to the State Engineer of the State of Utah, number 2812, bearing date of November 12, 1909, are herein denominated Nineteenth (19th) Class, and

That the defendant Washington Irrigation Company, under application to the State Engineer of the State of Utah, number 2812, bearing date of November 12, 1909, for 500 acre feet of water, is entitled to said water and water right, and is entitled to complete said appropriation and make final proof thereof;

And pending the time designated by the said State Engineer for the completion of said appropriation as the same may have been or may hereafter be extended, as long as said application is in good standing in said State Engineer's office, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under said application according to its priority of right and the priority of rights fixed herein;

And upon and after the completion of said appropriation, the said defendant is entitled to the said water or such portion thereof as may be available from year to year and time to time under the terms of the certificate of completion of appropriation issued by the said State Engineer, according to the priority of right of said certificate and the priority of rights fixed herein.

'WASATCH DIVISION
'POWER RIGHTS'.

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That the waters of Provo River and its tributaries appropriated by the defendants and their predecessors in interest, for the generation of power, in the Wasatch Division, which each of said parties are the owners of the right to the use, from January 1st to December 31st of each and every year, and herein denominated "Wasatch Division Power Rights" are as follows:

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Utah Power & Light Company:

- (a) That the defendant the Utah Power & Light Company, under application to the State Engineer of the State of Utah, number 3097, bearing date of April 1, 1910, for 25 second feet of water for power purposes, from Snake Creek and Lavina Creek, the same being tributaries of Provo River, and having completed said appropriation and made final proof thereof and recieved from the said State Engineer on the 14th day of April 1916, the certificate of completion of appropriation for 25 second feet of water, is entitled to said 25 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion of appropriation.
- (b) That the said defendant the Utah Power & Light Company, under application to the State Engineer of the State of Utah, number 3621, bearing date of November 21, 1910, for 200 second feet of water for power purposes, from Provo River, and having completed said appropriation and made final proof thereof and recieved from the said State Engineer on the 11th day of November, 1916, the certificate of completion of appropriation for 180 second feet of water, is entitled to said 180 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion of appropriation.

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Neils J. Johnson:

That the defendant Neils J. Johnson, is entitled to the right to the use of the waters of the springs commonly called and known as the Burcumshaw Springs and sufficient of the waters of the Provo River to aggregate 15 second feet, or such portion thereof as may be available from year to year and time to time; the same to be used for the generation of power at that certain flour mill known as the Peoples Roller Mill, situate on lands owned by said defendant in section 35, township 3 south, range 4 east, Salt Lake Meridian, after said use the said waters are to be returned to Provo River above the intake of what is known as the Island Ditch.

Joseph R. Murdock:

That the defendant Joseph R. Murdock, is entitled to the right to the use of 50 second feet of the waters of Provo River, or such portion thereof as may be available from year to year and time to time, the same to be used for the generation of power, to be diverted through the Charleston Irrigation Company's lower canal as now located, and conveyed by means of said canal and a headrace leading therefrom to the power site of said defendant, situated near the section line between section 11 and 14, township 4 south, range 4 east, Salt Lake Meridian, after said use the said water to be returned to Provo River near said power site.

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Heber City, a municipal corporation,
Midway Town Corporation,
and Town of Charleston:

That the defendants Heber City a municipal corporation, Midway Town Corporation, and Town of Charleston, doing business under the firm name of Heber Light & Power Plant, as assignee and successor in interest of Abram Hatch, under application to the State Engineer of the State of Utah, number 1584, bearing date of September 18, 1907, for 150 second feet of water for power purposes, from Provo River, and having completed said appropriation and made final proof thereof and recieved from the said State Engineer on the 6th day of September 1913, the certificate of completion of appropriation for 150 second feet of water, is entitled to said 150 second feet of water or such portion thereof as may be available from year to year and time to time under the terms of the said certificate of completion of appropriation.

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That the "Wasatch Division Power Rights" as aforesaid, use for the generation of power waters that are thereafter diverted and used for irrigation and other beneficial purposes, and that such use by said defendants for the generation of power is an additional use of waters hereinbefore denominated and found to parties hereto for irrigation and other beneficial purposes, and such use by said defendants for the generation of power is subject to, and shall not interfere with the use of said water for the purposes of irrigation as hereinbefore designated, and

That all of such waters used by the said defendants for the generation of power, must be so used as to not substantially interfere with the natural flow of such water and thus cause substantial fluctuations in the flow thereof, and said defendants must use such water without substantial diminution in quantity or any deterioration in quality.

GENERAL PROVISIONS CONCERNING
RIGHTS AND ADMINISTRATION.

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That the lands irrigated by the waters of said river are of such a nature, and are so situated, that large quantities of seepage water from said irrigation, seep and flow back into said river and into some of the canals diverting water from said river, after the same has been used for irrigation, and

That for the purpose of maintaining the volume of flow of said river available for use of the parties, and to maintain to the parties hereto the respective rights herein found and awarded, none of the parties shall change the place of use of said water so as to cause the seepage or drainage therefrom to be diverted away from the channel of said river, or canals, or from the lands heretofore irrigated thereby.

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That, the stored water, the Ontario Drain Tunnel water, and the waters diverted from the Weber River watershed, turned into and comingled with the waters of Provo River, shall bear each its respective share of loss by evaporation and seepage, and shall bear each its respective proportion of the cost of distribution and administration of the orders of the Court and the Decree herein, and;

Amended
That the Court will retain original Jurisdiction of this cause, to from time to time, determine and fix the quantity of loss by evaporation and seepage, and;

That, until the further order of the Court, the said stored waters shall bear four per cent of their quantity for loss by evaporation and seepage.

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That, excepting stored waters, Ontario Drain Tunnel waters, waters diverted from the Weber River watershed, the waters used for the generation of power in the Wasatch Division and denominated Wasatch Division Power Rights, the waters used for the generation of power in the Provo Division by the Utah Power & Light Company, the waters of the Midway Waterworks Company, and the waters for domestic and municipal uses of Provo City as set out in subdivision (e) paragraph 58; whenever the quantity of water is insufficient to supply a class, then the persons and parties entitled thereto shall have the same distributed to them pro rata according to the quantities to which they are entitled in said class.

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That except as to stored waters, the Ontario Drain Tunnel waters, and the waters diverted from the Weber River watershed, the parties herein named are entitled to the right to use the waters of said Provo River in the classes in which they are named in each of said divisions, and no class or party in said class shall be entitled to the use of any such water so long as the water flowing in said river and in the canals is insufficient to supply the preceding classes with the quantities of water to which they are entitled as hereinbefore stated.

That the plaintiff and the defendants having the right to store water in their several reservoirs, as hereinbefore stated, have the right to release said waters in the quantities and at such times as they may elect, and to coningle the same with the waters of Provo River, and then be taken out less the evaporation and seepage losses.

- (a) That, the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth classes in the First and Second Districts of the Wasatch Division shall be entitled to recieve their whole supply in said classes as hereinbefore stated, before other rights.
- (b) When the quantity of water in said river and the canals of the parties hereto, in the First and Second Districts of the Wasatch Division is insufficient to supply the two districts aboyed named with the full amount of the waters denominated as the Seventeenth Class and prior to June 25th of any year, the said First District shall have the right to its full amount of said Seventeenth Class before the said Second District.
- (c) That, the First Class in the Third District of the Wasatch Division shall be entitled to recieve their whole supply in said class, as hereinbefore stated, before the rights in the Provo Division.
- (d) That, the defendants hereto, in the Provo Division, shall be entitled to recieve their whole supply as hereinbefore stated and the plaintiff shall be entitled to recieve one second foot per seventy acres of land, before the Seventeenth Class of the Third District of the Wasatch Division.

That the quantity of loss or inflow provided in paragraph 50, shall be determined by the water commissioner with the system in good working order and repair, and in such condition as will reduce the losses to the lowest quantity practicable. Only the quantity of inflow that is available to the lands in the canal system as determined by the water commissioner shall be counted as a part of the quantity of inflow as herein provided. The allowable losses shall include only the actual, reasonable, unavoidable transmission losses, and shall extend over the section of the canal that carries more than one irrigation stream continuously.

promoter out

This paragraph is applicable only to the canal systems of the Sunrise Irrigation Company, South Kamas Irrigation Company, Washington Irrigation Company, Timpanogus Irrigation Company, Wasatch Irrigation Company, North Field Irrigation Company, Charleston Irrigation Company, Pioneer Irrigation Company, Murdock-Allen Ditch, Allen-McAfee Ditch, Timpanogus Canal Company, Provo Bench Canal & Irrigation Company, West Union Canal Company, Lake Bottom Canal Company, Upper East Union Irrigation Company, Little Dry Creek Irrigation Company, and Provo City's Factory Race, Tanner Race, City Race and East Union. Also the Spring Creek Irrigation Company and Sage Brush Irrigation Company from September 15th to July 5th of the succeeding year.

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That all persons and corporation, parties to this action, shall respectively construct or cause to be constructed at their own expense and under the direction and supervision of the water Commissioner appointed by the Court, proper appliances for the diversion and accurate measurement of the waters awarded to them respectively; and thereafter shall maintain and keep in place all dams, head-gates, flumes, canals and other means by which water is diverted, conveyed or used, in a good state of repair, together with appliances for the diversion and measurement of said waters; to the end that no unnecessary loss from seepage or leakage shall occur, and that the water shall be economically applied to the use for which it is awarded.

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That all the rights awarded herein, and to be fixed, declared and decreed by the findings and decree to be entered herein are founded upon appropriation of water necessary for some beneficial use, and all such rights are subject in their exercise to the conditions that they are required and necessary for some beneficial use; and all such rights are expressly subject to the limitations and conditions that all of such water is used for some beneficial purpose, and is used economically, without waste, and with due care, and is reasonably necessary for such use.

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That each and all of the parties to this action, and their successors and assigns; and they, and each of their agents, servants and employees, and all persons acting for them, or in their interest, shall be forever enjoined and restrained from in any manner, or at all, interfering one with the other in the full free and unrestrained use of the quantity of the waters of said river awarded to them, and from in any manner, or at all, interfering with the distribution of such waters by the Commissioner to be appointed by the Court.

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That for the purpose of the proper distribution of the waters awarded herein, and for the accurate and equitable division and distribution of the same, among the parties entitled thereto, and for the purpose of carrying into effect the decree to be entered herein in all its details, this Court will hereafter appoint a Commissioner with full power and authority to measure, control, regulate and distribute the said waters among the parties to this action as herein awarded; and from time to time to construct or cause to be constructed such dams, weirs and appliances as are necessary to the equitable and economical distribution thereof.

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That said Commissioner shall be appointed by the Court, and shall hold his office until his successor shall have been appointed and qualified, and,

Said Commissioner shall receive a salary of Three Thousand Dollars per annum together with reasonable allowance for office rent, stationary, postage, telephone service, and actual and necessary traveling expenses, payable in quarterly instalments by the Clerk of this Court from money deposited by the parties for that purpose.

That assistants to the Commissioner shall be employed by the Commissioner upon the approval of the Court, and shall receive compensation, for the time employed, in the same manner as provided for the commissioner; and caretakers at the reservoirs shall be employed and shall be under the direction of the Commissioner and shall make reports from time to time to the Commissioner as directed by him. Such caretakers shall be paid in the same manner as provided for the payment of compensation of the other assistants to the Commissioner, from money deposited by the owners of the reservoirs for that purpose.

The basis of the assessment to the respective parties for the expenses of administration shall be a fixed ratio annually, and the respective amounts due from each party are payable quarterly, and within ten days after receipt of notice of the amount thereof.

Upon failure to pay the same within ten days after notice thereof, said Commissioner is authorized to withhold further distribution of water to the users so in default until the same shall be paid.

The proportion of the total assessment to be borne by each of the respective parties using water for irrigation is to be fixed by the product of the area of land irrigated as set out herein, multiplied by the length of the season of use, divided by the duty of water on the 15th day of July. The duty of water shall be determined by using the area of land and the volume of water as found herein. The length of the season of use to serve the purpose of the foregoing computation is fixed as follows: First Class Rights in the Wasatch Division, 130 days; Second to Seventeenth Class rights, inclusive, 90 days; Class A Rights in the Provo Division 165 days; Class B, C, D, E, F, G, H, I, and J in the Provo Division and Classes Eighteen and Nineteen in the Wasatch Division, the average volume of flow and length of season of 60 days.

The assessment to the power users shall be as follows:

Utah Power & Light Company - - - - -	\$15.00 per month.
Heber City, Midway Town Corporation, and Town of Charleston, doing business under the firm name of Heber Light & Power Plant - - - - -	\$5.00 per month.
L.L. Donnon, power right - - - - -	0.75 " " .
Joseph R. Murdock, power right - - - - -	1.50 " " .
Neils J. Johnson, power right - - - - -	0.55 " " .
Joseph Hatch, Abram C. Hatch, Minnesota A. Dodds, Jane H. Turner, and Lucy Farnsworth, power right - - - - -	0.75 " " .

The assessment of Provo City for its power rights along the Factory Race, together with the Provo Pressed Brick Company for its Brick Plant Power Right, is to be fixed by the quantity of Class A water herein found to this use multiplied by 165; this product to be used in computing the assessments the same as the figures derived for the computation of the irrigation assessments, 1/5 of said assessment to be paid by the Provo Pressed Brick Company and 4/5 by Provo City.

The assessment of Provo City for its municipal water supply is to be fixed by the quantity of water actually flowing in its system at its Spring Dell weir in Provo Canyon on the 15th day of July, multiplied by 165. This product is to be used the same as provided for the power rights above. Since the flow of water on the date specified varies one year with another, the assessment for each year is to be fixed by the measurement made on the 15th day of July of that year.

CONCLUSIONS OF LAW.

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As conclusions of law from the foregoing facts, the Court finds:

That the parties to this action, the plaintiff and the defendants, are entitled to a decree of this Court quieting and confirming their several titles in and to the waters of the Provo River System, and adjudging them to be the owners of the right to the use of the quantities of water of the said Provo River System, of which the Court, in its Findings of Facts, hereinbefore stated, has found them respectively to be the owners of the right to the use,

That by the terms of said decree it shall be provided and adjudged that the title of each of the parties, plaintiff and defendants, to the right to the use of the quantity of the waters of said Provo River System of which they are respectively found to be the owners in said Findings of Facts shall be quieted and confirmed in them against each and all other parties to this action, and each of said parties, their assigns and successors in interest, and their and each of their agents, servants and employees, and all persons acting for them or for their assigns and successors in interest, shall be perpetually enjoined and restrained from in any manner whatever, or at all, using any of the waters of said river to which they are not entitled by the terms of said Findings of Facts, and from in any manner interfering with the rights of any other party as therein found and defined, and from asserting any claim of right or title or interest in or to the use of the said waters of the said Provo River System, except such right and title as they are therein found to be the owners of respectively.

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That said decree shall further provide that, a Commissioner be appointed, with all lawful authority to control, regulate and distribute said waters to the parties by said Findings of Facts found to be entitled thereto, and to construct and cause to be constructed proper appliances for the diversion and accurate measurement of said waters, and shall maintain or cause to be maintained and keep in place all dams, headgates, flumes, canals and other means by which water is diverted, conveyed or used, in a good state of repair, together with appliances for the diversion and measurement of said waters as may from time to time be necessary to properly and economically carry said decree into full force and effect.

Said Commissioner shall have general supervision and control of said waters, that no unnecessary loss by seepage or leakage shall occur and that the said waters shall be economically applied to the use for which it is awarded, and of their measurement, apportionment, and distribution, and of all assistants to said Commissioner and caretakers at the several reservoirs. He shall have power to make and publish such rules and regulations as he may deem necessary from time to time to secure the equitable and fair apportionment of said waters according to the respective rights as found, awarded and decreed in this cause.

That each party shall pay his costs and his witnesses. And that the costs for the preparation of findings and decree shall be paid by the parties hereto in the same ratio and in the same manner as provided for the payment of the Commissioner and the expense of distribution and administration as hereinbefore provided, and;

That this Court shall, and does retain original jurisdiction of this case and the subject matter thereof and all the parties thereto, their successors and assigns, for the purpose of from time to time making such further orders, rules and regulations as are necessary for the regulation, control and distribution of said waters according to the terms of said decree, and for the purpose of compelling by further decree or otherwise the construction of such improvements, dams, weirs, and appliances as may from time to time be found necessary or expedient for the proper carrying out of the terms of said decree and for the equitable and economical distribution of said waters, and for the further purpose of compelling the payment of such sums by either or any or all of the parties hereto for the costs and expenses of improvements and the distribution of said waters, and the compensation of said Commissioner, as may by the Court seem just and equitable, and for the further purpose of carrying the terms and provisions of said decree into full force and effect.

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Presiding Judge and Judge Pro Tem.

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